HOUSE OF ASSEMBLY

Thursday 4 March 1982

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: INTEREST RATES

A petition signed by 196 residents of South Australia praying that the House request the State Government to urge the Federal Government to reduce home loan interest rates; ensure that home buyers with existing loans are not bankrupted or evicted as a result of increased interest rates; provide increased welfare housing; and develop a loan programme to allow prospective home builders to obtain adequate finance was presented by Mr Whitten.

Petition received.

PETITION: PORNOGRAPHY

A petition signed by 48 residents of South Australia praying that the House urge the Government to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by Mr Mathwin.

Petition received.

QUESTION TIME

The SPEAKER: In the absence of the Minister of Industrial Affairs, questions to him will be taken by the Deputy Premier.

ROXBY DOWNS

Mr BANNON: Can the Premier explain what he sees as being the functions of the intended Select Committee on the Roxby Downs Indenture Bill? The Premier and the spokesman for Western Mining have been quoted as saying that there can be no amendments to the present indenture Bill. Mr Morgan was quoted as saying that it was a package that could be either accepted or rejected, and the Premier has been reported on radio in particular as saying that no alteration to the Bill could be tolerated. This has led to speculation that, if no amendments can take place, much of the deliberations of this Parliament are really obviated.

The Hon. D. O. TONKIN: The Leader of the Opposition would know full well that a Bill of this kind, which confers certain benefits and privileges on individual members and sections of the community, is a hybrid Bill by definition and must therefore go to a Select Committee as part of the Parliamentary process. I am surprised that he is not aware of that. There is no question at all of the indenture, which has been the subject of long and involved negotiation with the company, being part of the Bill; it is an attachment to the Bill. The Bill is simply the process by which effect can be given, ratification virtually, to the agreement which has been mapped out.

The joint venturers and their spokesmen have pointed out clearly that what has been thrashed out over a considerable time is a package. There is no question at all that the agreement itself, as it comes forward, can be modified by the Bill or by Parliament. What will happen, of course, is that the Select Committee will examine the Bill to determine whether or not this is the best way of implementing the agreement which has been reached. It could recommend amendments to the Bill itself, as is proper, but it will not change the actual agreement itself.

The Hon. Peter Duncan: That's—

The Hon. D. O. TONKIN: It has never happened before, and one cannot see it happening now. There is no difference between this indenture and the principles that apply to it, compared, for instance, to those on gas supplies, West Lakes, the Hilton Hotel, Stony Point or many of the other similar measures which have been brought in. There is no difference at all in the procedure which is being adopted for this indenture Bill, nor should there be. I cannot see why the Leader of the Opposition is now making a fuss about it.

I have noted that the Leader of the Opposition has said on several occasions that the indenture is a political stunt. Whether or not it is a political stunt, I think people will be able to judge when they see the details of it and see what has been achieved.

Mr Bannon: I notice the press has it before the Parliament does.

The Hon. D. O. TONKIN: If the honourable Leader would care to point to any direct report of what is in the indenture that has appeared in the press, then I would be delighted to have a look at that, but I do not think that sort of statement will endear the Leader of the Opposition to anyone. It is not a political stunt.

Mr Bannon: It shows your contempt for this process.

The Hon. E. R. Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: Let him go; he is making a fool of himself again. The degree of chagrin and what seems to be obvious jealousy of the fact that the Government has been able to achieve what was said by the Opposition to be unachievable was quite apparent to all today. Opposition members will have to wait until they see the Bill, as will the general public. When they have seen the Bill and the details that have been negotiated they will understand what a remarkably fine document has been prepared and what a tremendous benefit will be accruing to the people of South Australia as a result of it.

I am quite certain that the joint venturers, that is, B.P. and Western Mining, would not have wasted all the months they have put into these negotiations if they had not been convinced the indenture was an absolute necessity. I should suggest that, before members of the Opposition criticise, they should wait and find out what is in the indenture and then, if they wish to criticise, they should do it constructively and properly and not with this carping negative attitude which, in the past few months, seems to have become absolutely typical of the approach from them to South Australia's future.

RANDOM BREATH TESTING

Mr BECKER: Can the Premier advise on the possible extension of random breath testing to other States of Australia and also report to the House on South Australia's experience to date since the introduction of random breath testing?

The Hon. R. G. PAYNE: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! I will see the member for Mitchell in due course, if necessary. I point out to the member for Hanson that the first part of his question is not competent to be asked of any Minister. The second part of his question relates to action that is within the competency of the State and is permissible.

The Hon. R. G. PAYNE: On a point of order, I wish to congratulate you, Sir, on foreseeing the point that I intended to raise.

The SPEAKER: Order! There is no point of order.

Mr BECKER: I will rephrase my question. Will the Premier advise the House on the experience of random breath testing in South Australia to date? There are repeated reports of opposition by certain groups to the continuation of random breath testing in South Australia. Opposition groups are particularly vocal in my area, and there has been a certain amount of criticism for and against the continuation of random breath testing. I understand that it is also sometimes claimed that there is little benefit but many disadvantages in continuing with random breath testing. I understand that yesterday a Federal Labor spokesman said that random breath testing of motorists should be introduced immediately throughout Australia.

The Hon. D. O. TONKIN: I was pleased indeed to see that responsible statement made by the Federal Opposition spokesman on transport matters. It is far too early to make any definitive statement about the effectiveness of random breath testing, and such a judgment will be possible only after a good deal of time has elapsed. A full scientific examination of the random breath testing legislation will have to be undertaken by the Road Accident Research Division of the University of Adelaide.

It is significant, however, that in 1981 South Australia recorded the lowest annual fatality rate, namely, 222 people, for 20 years, nearly 20 per cent fewer than in 1980. That trend has continued so far this year. Since random breath testing was introduced on 15 October 1981, 94 people have been killed tragically on South Australian roads, compared with 112 people for the same period last year, that is, to 1 March.

It is significant, too, that the number of drink driving offences detected by normal police patrols has declined dramatically by approximately 35 per cent since random breath testing was introduced. To 31 January 1982, 26 617 drivers had been tested for excessive blood alcohol levels, and 118 offenders were detected as being over the limit, with six refusals. The rate of detection has increased significantly in recent weeks to a figure that has been fairly consistent with the long-term Victorian experience.

Only time will tell, of course, whether this increase reflects a change of attitude toward random breath testing (that is, people recognising that there is a risk of detection and perhaps not taking so much care now as the idea becomes more firmly accepted) or whether it reflects an increase in the consumption of alcohol over the Christmas-New Year holiday period.

Currently, random breath testing is operating in Victoria, the Northern Territory and South Australia. The Northern Territory has recently extended the period (its system was subject to sunset legislation) for another year. The New South Wales Government is considering legislation to introduce random breath testing in that State, and I can speak only for the Opposition there, which I understand supports such a move. It is clear indeed that many people in Australia, particularly those who are in a position to assess the situation, believe that random breath testing does have a positive influence in saving lives on our roads.

The Hon. E. R. Goldsworthy interjecting:

The Hon. D. O. TONKIN: I have referred to that, and I consider that that is a very responsible attitude by the Federal A.L.P. spokesman. Random breath testing not only saves lives but also reduces injuries and accidents. Certainly, in my experience, it has engendered a much more responsible attitude amongst drinking drivers.

Having said that, I should like finally to say that I do not believe in any way that these findings, which indicate a definite trend (although they cannot be confirmed as being absolute at this stage), should lead us into a sense of complacency. Everyone in this House recognises the enormous problems which accidents cause, not only in relation to loss of life but also in respect of injury and property damage. Drinking alcohol and driving irresponsibly cause endless tragedy throughout the nation. Any move that can reduce that will be welcomed and supported by all honourable members.

WAGE CLAIM

The Hon. J. D. WRIGHT: Can the Premier explain why negotiations between the Public Service Association and the Public Service Board were allowed to proceed on the basis of the old offer on Tuesday, when the new so-called offer, which the Public Service revealed yesterday, was actually gazetted last Friday, the day of the strike? The offer revealed to the Public Service Association and the public yesterday was prepared before Friday's strike and gazetted on the day of the strike. I have the *Gazette* now at my disposal. Under the date of operation, it says, 'the salaries prescribed for clauses 1 to 27 of this return shall come into operation as from and including the date specified under the heading "New salary limits" operating in these claims; Office of the Public Service Board, Adelaide, 26 February 1982'. It has been put to me that something spurious has occurred in the attempted settlement of this dispute. Public Service members have been ringing me this morning and saying that there was a pre-plan by the Government to have this matter fixed up last Friday but not to inform the Public Service Association that it had been fixed up, so that the strike would go ahead. That is the feeling in the Public Service area this morning. Can the Premier explain the fact that the Chairman of the Public Service Board has his signature on a document dated 'Adelaide, 26 February' when in fact, the actual final so-called offer was made as late as Wednesday this week?

The Hon. D. O. TONKIN: The Public Service Board has made quite clear throughout the current dispute that it has been willing to discuss matters relating to the wage claims with the Public Service Association. I do not know why the Deputy Leader refers to it as a 'so-called offer'. It was a firm offer; it has been confirmed by gazettal; and it has now become actual wages. The matter has been under discussion for a day or so. I am not able to say on what date the Chairman of the Public Service Board signed that. I am saying that the Government is concerned—

The Hon. J. D. Wright: You're the Premier. Why aren't you able to say that? You'd have had to sign it in the first place.

The Hon. D. O. TONKIN: Because the Public Service Board has been dealing with this as is its proper role to do.

The Hon. J. D. Wright: Come on! That's not good enough.

The Hon. D. O. TONKIN: The Deputy Leader should know that perfectly well.

The SPEAKER: Order!

The Hon. D. O. TONKIN: The strike which occurred on Friday and which was a dismal success from the Public Service Association viewpoint—I understand Mr Mayes is terribly disappointed—

Mr Trainer: What's a dismal success?

The Hon. D. O. TONKIN: A dismal failure from his point of view. Mr Mayes claims it was a success, but as far as I am concerned it was a dismal success, a pyrrhic victory. That was going ahead on Friday. It was quite obvious from the attitude of the Public Service Association that it was hell bent on having that strike anyway, otherwise it would never have put a motion to the meeting which, in

the one motion, rejected the pay offer and opted to take industrial action. If the leaders of the Public Service Association had genuinely wanted to continue on with negotiations on that matter, they would have put the motion in two parts. They could well have rejected the pay offer—that was certainly a course open to the meeting.

They could have opted to take industrial action; and that was a matter that should have been considered, but to put the two together, so that in rejecting the pay offer the members who attended automatically opted to take industrial action and to go on strike, was the height of irresponsibility on the part of the Public Service Association leaders. The Government has acted to pass on the wage offers in the form of positive benefits to the people in those categories. I can only say that the Public Service Board is still prepared to have continued discussions with the P.S.A. regarding those people in other categories with a view to coming to some resolution to the problem. The Public Service Board has never failed to consult and discuss those matters of concern. It seems that it is only when certain people in the P.S.A. are determined on a certain course of action that those negotiations break down.

ENERGY INFORMATION CENTRE

Dr BILLARD: Can the Minister of Mines and Energy supply information indicating the use the public has made of the Energy Information Centre that was established by this Government in mid-1981? In the middle of last year, the Government opened the information centre on North Terrace to disseminate information to the public on a wide range of matters associated with the use and conservation of energy. Many people have told me that they have used that centre and applaud the Government for its initiative. In fact, I have made use of the centre in seeking advice on the installation of wall insulation.

The Hon. E. R. GOLDSWORTHY: Yes, what the honourable member says is perfectly true. The Energy Information Centre has been an outstanding success.

Mr Keneally: You actually have a prepared answer even on this one?

The Hon. E. R. GOLDSWORTHY: The honourable member suggested to me that he would be interested in details of energy information, and I would have thought that even the member for Stuart might be interested. If there is a lack of interest by the honourable member, perhaps it is because he is not willing to acknowledge the outstanding success of the centre.

Mr Hamilton: Get on with the answer.

The Hon. E. R. GOLDSWORTHY: The honourable member's colleague wished me to comment. I am glad that the honourable member is interested in these statistics. He seems to have an absorbing interest in statistics, judging by the questions he asks. The response from the public has been outstanding. The centre has been open for eight months, and in that time it has received 21 000 visitors, and mail and telephone inquiries would bring the total number of inquiries to about 35 000. The centre was established to give the public practical advice about a wide range of matters. Inquiries have been concentrated on cooling in the home (and that is understandable, because we had a particularly hot summer), shading, landscaping, house design and air-conditioning calculations, and this has given the centre the opportunity to give information on the lowest energy consumption means to achieve the desired level of comfort.

The Hon. Peter Duncan: Apart from the statistician who keeps these statistics, how many other staff are involved?

The SPEAKER: Order!

The Hon. E. R. GOLDSWORTHY: The members of the Energy Information Centre are well motivated. They work out of hours giving lectures and attending seminars. They are not clock watchers, and they keep these statistics as part of their normal duties. In this respect also, keen interest has been shown in the recent advisory booklet that I launched called *Summer Comfort and Energy Conservation.* The centre also gives assistance to organisations with particular needs, for example, the Crippled Children's Association. An educational energy kit has been devised for use in schools, and a poster is being designed for distribution to all schools to inform teachers and students about the centre's role and the services it provides.

I might say that that gives the lie to the nonsense that was being churned out that this was simply going to be a branch of the Uranium Information Centre in Melbourne, this coming from some of the opponents of the centre in seeking to denigrate this Government initiative. Professional, trade and other groups are also visiting the centre at night for specialised discussion with the staff. It is pleasing to note that two Adelaide radio stations have agreed to provide a considerable amount of advertising time free of charge in recognition of the value of the centre.

INSTITUTE OF FRESHWATER STUDIES

Mr KENEALLY: I ask the Minister of Water Resources whether he and the Government will join with the Opposition in calling upon all Federal M.H.Rs of all political persuasions to support Ralph Jacobi's Bill to establish an Institute of Freshwater Studies. All members would be aware that early in this Parliamentary session this House unanimously supported the private member's Bill being moved in the Federal Parliament by the Hon. Ralph Jacobi, member for Hawker. The Minister, particularly, would be aware that last Thursday the Federal Senate also supported Mr Jacobi's private member's Bill. After reading the speech made by Mr O'Halloran Giles, my colleagues and I are led to believe that it is very likely that the Federal Government will oppose this vital measure that would benefit South Australia so much. I will be taking action to write to each of the Federal members seeking their support of this Parliament's unanimous decision, and I ask all honourable members to join with me.

The SPEAKER: Order! The honourable member's comments now have nothing to do with the explanation of the question. I indicate a course of action that the honourable member is going to take which has no relationship to the explanation.

Mr KENEALLY: Thank you, Sir. I ask the Government to join with the Opposition in our action.

The Hon. P. B. ARNOLD: The member for Stuart would be well aware, from the debate held in this House, that the South Australian Government does not oppose the Bill that Mr Jacobi has before the Federal Parliament. That has been spelt out quite plainly. In fact, the member for Stuart has tried to create the illusion in the public's mind that the South Australian Government does oppose that measure. What I explained to the House some months ago was that the South Australian Government regarded its proposal to the Federal Government for a permanent solution to the Murray River salinity problem as by far the priority project.

At no time has this Government ever suggested that there is no benefit in the legislation proposed by the Hon. Mr Jacobi. What the honourable member suggests has already been answered in this House, that is, we have no objection, and, in fact, I have indicated in this House that there is a place for an Institute of Freshwater Studies, but such an institute in itself will not solve the problems of the

Murray-Darling system. In fact, the Government is well aware of what most of the problems are as a result of a number of consultancy studies that have been undertaken over the years.

What will largely solve the problem is the capital expenditure of large sums of money on projects and causes of salinity and pollution which have already been identified in Victoria, New South Wales and South Australia. The South Australian Government reiterates its stand in relation to the establishment of an Institute of Freshwater Studies, namely, that it does have a role to play in the overall consideration of the pollution problems involving the Murray-Darling system. The Government does not regard it as the top priority; it regards as top priority the making available of large sums of money as proposed for the permanent solution of the Murray River salinity problem, $400 000 000 having been estimated as being required to really come to grips with the problem.

The proposal of Mr Jacobi does have a place, and the South Australian Government certainly in no way opposes it, but this Government still places the highest priority on its proposal for the permanent solution of the Murray River salinity problem which is currently being considered by a working party of the River Murray Commission which will report at the end of this month on one particular aspect that we regard as being extremely important to be put into effect forthwith, namely, the provision of a substantial sum on the basis of long-term, low interest loans to irrigators in the three States to encourage those irrigators to convert from inefficient irrigation practices to what are recognised in developed countries as modern irrigation practices that will substantially reduce the groundwater tables in irrigation areas, and thus reduce the highly saline groundwater movement from the irrigation areas back to the rivers.

KINGSTON HOUSE

Mr SCHMIDT: Can the Minister of Environment and Planning advise the House and the residents of Kingston Park whether an architectural historian has been appointed to draw up plans for the restoration of Kingston House? Last year I called a public meeting in Kingston House to talk to local residents about its future, particularly in view of the fact that the Minister had requested the Brighton council to set up a working party to examine the future of Kingston House. At that public meeting two representatives from the local group were chosen to be on that working party and put forward the view of local residents.

One of the outcomes of that meeting was a suggestion (and I raised this again during the Estimates Committees) that the Minister look into the possibility of appointing an architectural historian to examine fully the details of Kingston House and to draw up specific plans as to how it could well be restored to its original condition.

The Hon. D. C. WOTTON: The member for Mawson has over a long time indicated a considerable amount of interest in Kingston House. As he has indicated, he was present at a public meeting held last year when a working party, comprising representatives of the Brighton council, local residents and officers of the Department of Environment and Planning, was selected to consider the restoration and future use of this historic building. As a means of assisting the group in its deliberations, I undertook to have the Department of Environment and Planning prepare a consultant's brief for consideration.

I am pleased to say that the working party has accepted that brief and that a consultant has been engaged to prepare a conservation study of Kingston House itself. The object of the study which is expected to be completed (and I have requested that it be completed) within two months is in fact to survey the building and to determine the significant parts which should be preserved, because people who know the building well would appreciate that some areas of it are significant and others are less significant, and those aspects which are not historically relevant should be removed.

At the same time, the consultant is to consider possible uses for the building, compatible with the surrounding area, because it is believed particularly by the local residents that that is important, and also to assess the feasibility of obtaining maximum use whilst not compromising the heritage significance of Kingston Park. It is felt particularly by my own department that this building is significant to the heritage of this State. I am pleased to be able to inform the member for Mawson that positive steps are being taken in that direction, and I know that he will continue to watch with interest the progress that is made in this area.

VIRGINIA-TWO WELLS BY-PASS

Mr HEMMINGS: Will the Minister of Transport explain why the western carriageway of the Virginia-Two Wells by-pass is being opened with great publicity and fanfare on 18 March when access roadworks are unfinished and when widespread reservations have been expressed about the safety of using the carriageway in its present state? On Tuesday, during Question Time, in a reply to a question from the member for Goyder, the Minister said:

> I am very pleased to say that the western carriageway will be opened in about two or three weeks, and I will be pleased to see that the honourable member gets an invitation to that opening.

I have been approached by several concerned elected members of the Munno Para District Council regarding the opening of the western carriageway. It was put to me by these members that, for the sake of political kudos, the opening would take place before ancillary work is completed. Their main concern about the opening of the Virginia by-pass is the problem that will be created at the intersection of Port Wakefield Road and Legoe Road. Both Legoe Road and Port Wakefield Road at this location have no speed restriction. These two roads are considered to be major arterial roads and, without adequate traffic control, the result could be a serious accident. The Port Wakefield Road and Legoe Road intersection has a long history of accidents with many fatalities. The opening of the western carriageway will only exacerbate the situation.

I have here a letter to the Munno Para District Council in May 1979 in reply to questions that the council had asked about the Virginia-Two Wells by-pass. On page 2, the Commissioner of Highways said:

> This department will construct, seal and maintain Legoe Road between the by-pass and Main Road 6 (which is the Port Wakefield Road). The existing section of Main Road 6 between Kings Road and Legoe Road will be retained and maintained by this department, while it is considered that the section from Legoe Road to the River Gawler should be maintained by the council.

The Commissioner added that the construction of Legoe Road would include the upgrading of its intersection with Main Road 6 and Angle Vale Road. This work has not been done and in no way can it be completed before 18 March. I understand that a resolution to oppose the opening and boycott any invitations to attend the opening may be passed at its next meeting by the Munno Para District Council.

The Hon. M. M. WILSON: As for the question of political kudos, it seems to me not to matter much whether the road is opened on 18 March or 20 October. I think that is a ridiculous accusation by the Munno Para council, if indeed it made that accusation. As regards the access road, I will have a look at that. That is the first I have heard of any

disenchantment in the area about it. Certainly, the honourable member has not brought it to my attention before, as I recall. I will have a look at that, and let the honourable member have a report in due course.

MATRICULATION STUDENTS

Mr RANDALL: Will the Minister of Education advise the House on the current enrolment of the number of students, both part-time and full-time, undertaking Matriculation studies in the four metropolitan colleges? My concern about this matter has been expressed in this House on a number of occasions and it has been enhanced recently by the number of students coming into my office from the Matriculation college at Port Adelaide expressing concern about the loss of a part-time counsellor. As a member, I have always encouraged young people who are employed to continue studies in that college and to improve their opportunities to seek employment in the future by doing Matriculation studies. Therefore, it is important that we know what the real state of the college is. I ask the Minister to repeat to the House the numbers that he has.

The Hon. H. ALLISON: Although I do not have the precise details at my fingertips, I can assure the House that there are four metropolitan colleges, the major one of which in relation to enrolments is at Kensington. The remaining four colleges, of which Port Adelaide Community College is one, have enrolments that are roughly commensurate with each other. Although the figures which I had some four or five weeks ago and which would have been readily available to the honourable member were accurate at that time, I have since then been advised by the Department of Further Education that the figures are subject to quite considerable change and that, by the middle or end of March, the figures will have reduced by approximately one-third. I undertake to provide to the honourable member soon both the enrolment figures at the beginning of February and the decline figures to the end of March.

CRIMINAL INJURIES COMPENSATION

The Hon. PETER DUNCAN: I ask the Minister of Education, representing the Attorney-General, why the Government and the Attorney-General refused simply to agree costs in the criminal injuries compensation case recently successfully completed by my constituents, Mr and Mrs R. J. Lamb and their daughter Susan, and why has the Attorney-General been so nit-picking—

The SPEAKER: Order!

The Hon. PETER DUNCAN: —in subsequent actions in relation to the bill of costs. In asking my question, I explain that judgment in this matter has been given and that, therefore, the matter is not *sub judice*. Indeed, judgment was given on 8 April 1981. My constituents are the parents and sister of one of the Truro murder victims and, as such, were entitled to criminal injuries compensation. The compensation was awarded on 8 April 1981 on an action started at an appointment with a lawyer on 9 April 1980.

Since 8 April 1981, my constituents, through their lawyers, have been involved in a complicated argument about costs in this matter. The point that I want to bring to the Minister's attention is that, through the Minister's not simply agreeing costs in this matter, the cost of ascertaining the costs on at least one part of the bill of costs was $335.10 as against the total cost of obtaining judgment on that part of the bill of costs of $327.55. In other words, the cost of ascertaining the costs in the matter was greater than was the cost of achieving the judgment in the first place. All members in this place who are members of the legal profession are well aware of the archaic method that is used—

The SPEAKER: Order!

The Hon. PETER DUNCAN: I am sorry, Sir. I cannot debate the issue, and I apologise.

The SPEAKER: Nor can the honourable member comment.

The Hon. PETER DUNCAN: No, Sir, and I would not seek to do so. I did fall into the error of debating—

The SPEAKER: Order!

The Hon. PETER DUNCAN: —but I would not seek to comment. The bill in this matter ran to 21 pages and, although numbers of matters were taxed off the bill, nonetheless, as I have said, in one part of the bill the result was that the cost of determining the costs was greater than that of actually obtaining the judgment itself.

I think my constituents have a very good point when they complain to me that, if the Attorney-General had been prepared to instruct the Crown Solicitor's officers originally to simply offer reasonable costs, this would not only have avoided a great deal of the legal work but also, in my constituents' views, would have ensured that the costs to the Government were lower and would have ensured that my constituents could be paid at least 12 months ago, the compensation which is rightfully theirs and which has been awarded to them.

The Hon. H. ALLISON: I have listened with great interest to the honourable member's question. I will undertake to bring down a considered report from the Attorney-General.

WATER SUPPLY SCHEMES

Mr GUNN: Can the Minister of Water Resources say whether he has been able to make any progress in implementing some of the uneconomic schemes which the Engineering and Water Supply Department has been investigating in country areas? The Minister is aware that in my electorate a number of schemes have been under investigation for many years. Unfortunately, on the calculations used by his department, they have not proved to be economical. Can the Minister give any up-to-date information on this matter?

The Hon. P. B. ARNOLD: The E. & W. S. Department has carried out intensive investigations of the majority of proposed uneconomic water supply schemes in South Australia. Detail is available on most of them, including the degree to which they are uneconomic. On a number of proposals, the people of the district concerned have been asked what contribution they would be prepared to outlay to make it a feasible proposition to proceed. I will give the honourable member a detailed statement, which will identify all schemes in South Australia.

RACING

Mr SLATER: In answer to a previous question, the Minister of Recreation and Sport said that he gave no authorisation or approval for T.A.B. involvement to act as a selling agent in relation to the S.A.J.C. lottery. What awareness did the Minister have in respect of the financial support given to the T.A.B. in regard to advertising of the lottery and the Australasian Oaks carnival? I direct the Minister's attention to a press report of 21 January 1982 which was headed 'T.A.B. to boost big carnival' and which stated:

The T.A.B. will give financial support to help promote next month's Australasian Oaks carnival at Morphettville. T.A.B. chair-

man Mr Merv Powell said they would put up to $15 000 to help with publicity and public relations for the carnival.

Mr Powell said it had been agreed with the South Australian Jockey Club that the T.A.B. would help out on a one for two basis for the S.A.J.C. to spend up to $45 000 on promoting the carnival.

This was an unprecedented step by the T.A.B. I believe the Minister should have been aware of the T.A.B.'s action in this regard. I also refer the Minister's attention to the fact that the T.A.B. and the S.A.J.C. extensively advertised the carnival and the lottery, and large coloured posters appeared in most T.A.B. agencies. Regulation 11 (6) *(a)* under the Lottery and Gaming provides:

No advertisement shall be exhibited, published, distributed or displayed without first having been submitted to and received the written approval therefor from the Minister.

Will the Minister say whether he is aware of T.A.B. involvement in the lottery and the carnival, and whether he gave written approval as required under the regulations?

The Hon. M. M. WILSON: As I told the honourable member the other day in answer to his question, I was not aware of the agreement of the T.A.B. to subsidise the S.A.J.C., even on the question of the selling of lottery tickets in T.A.B. agencies. The decision was made by the board on its own information. Of course, since then I have fully discussed the matter with the Chairman, so I cannot add any more to what the honourable member wishes to know, other than to say that I was aware of it after I saw the advertisement to which he referred. In regard to the other matter, I cannot recall that answer, but I will look at my files and give the honourable member a reply as soon as I can.

EDUCATION DEPARTMENT HOUSING

Mr LYNN ARNOLD: Will the Premier say when the Government will release the Government employee housing report that was completed last year in order to indicate clearly how favourable Teacher Housing Authority housing compares with other Government employee housing? This matter has often been raised in the community, as well as in this Chamber. Last year when I referred to the Government employee housing committee report, the Minister indicated across the Chamber that the Teacher Housing Authority housing was the best of any Government employee housing in South Australia, including that of the Police Department. Recently, I received a letter from the staff association at Andamooka, which stated, in part:

... the fortnightly rental for [four] single teacher units was increased from $25 per fortnight to $41 per fortnight. We feel that given the nature of the accommodation and the rental price of comparative dwellings in Andamooka that this increase was completely unjustified ...

The Siegal units offer one room in which we are expected to eat, sleep, work and entertain. Problems are frequently arising with water pumps, toilets, hot water systems, water tanks, gas systems, refrigerators and air conditioners. When this does occur, we must spend considerable time ourselves attempting to rectify the problem. If we cannot fix it ourselves we face the prospect of living without water, cooling or refrigeration for several weeks or months until the appropriate personnel can come up from Port Augusta ... One tenant was without refrigeration for two months last year, and at one time three of the four flats had no water supply ...

We have investigated comparative rental charges in Andamooka and have found that the prices charged by T.H.A for these units is highly inflated over what are considered normal charges in Andamooka. The most similar accommodation offered is that of the police. For their living quarters they are charged $9 per week. However, they also have all electricity, gas and water fees paid by their department and have sleeping quarters in a separate area to their living quarters.

The letter also commented on private rentals in the town, and stated:

... an average rental fee for private dwellings in Andamooka is $40-$50 per fortnight. The accommodation in these dwellings is far superior to that of the Siegal units. Most consist of a kitchen, a lounge room a bathroom and laundry, and one or two bedrooms. They also usually include basic furniture, and a refrigerator ...

The Hon. D. O. TONKIN: The matter is being considered by a Cabinet subcommittee, and will be considered by Cabinet soon. Regarding housing at Andamooka, the honourable member will be aware (or if he is not aware, I will now tell him) that the present situation there and at certain Aboriginal settlements is currently under review by an interdepartmental committee because of the unusual situation which applies. I do not blame the honourable member for taking that example. However, we have already accepted that it is an unusual, one-off situation that has now been investigated specifically because it is a one-off situation.

As to the suggestion that the Government has not given special consideration to teacher-housing, let me tell the honourable member that quite the reverse is the case. Teacher housing was in fact exempted from increases which occurred in connection with other Government housing over a period of two years. The result of that was effectively to lower the rents of teacher housing in relation to the rents charged for other people. If we look at it in real terms, there is no question that that is the fact.

WAITPINGA LAND

The Hon. D. J. HOPGOOD: Can the Minister of Environment and Planning now indicate whether the Government will acquire an area of regenerating scrub in or near section 363 of the hundred of Waitpinga on the South Coast? Some of this matter is known to the House through my having explained it to the House some time ago. However, briefly, a landowner in that area last year offered to the Government this area of scrub land, and it was refused. He then rolled and burnt the scrub, and people who were concerned for this area assumed that from an environmental point of view it was a write off. But with the very heavy rains that occurred last winter there has been considerable regeneration of the area, and on 2 February this year the Nature Conservation Society wrote to the Minister, and I quote in part from that letter as follows:

I am writing to ask that you take the immediate action necessary to secure the conservation of the regenerating scrub land in section 363, hundred of Waitpinga.

The letter then goes on:

I understand that this area has been considered recently for acquisition by the Government. The decision is urgent as the owners intend to plough the land in March if they do not receive a suitable offer. I visited the area on Thursday 28 January and spoke to one of the owners [I will not mention his name] who assured me that he had received no recent approach from the Government regarding acquisition or heritage agreement.

I visited the area a while ago and, after having convinced myself that there was indeed a very significant regeneration, I telegrammed the Minister on 12 February and said:

Regard acquisition of regenerating scrub land section 363 hundred of Waitpinga urgent. Please advise Government attitude.

The Minister replied:

Receipt of your telegram re section 363 hundred of Waitpinga acknowledged. A report to enable reply is expected shortly.

The date on that telegram is 15 February.

The Hon. D. C. WOTTON: The Government will not be purchasing the land to which the member for Baudin has referred. It has been a matter of interest for some time to look at priority as to any future acquisition that should take place regarding national parks. Soon after this Government came into office, I requested that the National Parks and Wildlife Service should present me with a priority list of possible future acquisitions in regard to nature conservation and to areas that should be added to the parks and reserves

that we already have, so that the Government could say that it had an adequate sample of different types of vegetation throughout the State. I believe that the honourable member would be aware that the Government already owns property in that vicinity, and I would say—

The Hon. D. J. Hopgood: All the more reason to get more.

The Hon. D. C. WOTTON: It is not all the more reason to get more. Where would it stop if that policy was adopted? It is, however, a matter of looking at priorities and looking at the most appropriate areas that should be purchased by public funding. The list of priorities would suggest areas adjacent to the Deep Creek Conservation Park should be purchased, if land is to be purchased, before this particular land.

The Hon. D. J. Hopgood: Are you going to do that?

The Hon. D. C. WOTTON: There is already an intention to purchase further land adjacent to that park. Much consideration has been given to this matter, and I know that much interest has been shown by the Nature Conservation Society and other interest groups. I would assume that they have made contact with and aroused the interest of the honourable member opposite, but it is our intention that that property should not be purchased and that we should look at other areas nearby that are of a higher priority; that is exactly what the Government is doing at the moment.

INTEREST RATES

Mr BECKER: Can the Minister of Agriculture say what impact high interest rates are having on rural industry? I understand that, although some sectors of our rural industry have enjoyed good seasons during the past two years, incomes have flattened out, yet interest rates have increased quite considerably. I further understand that small-scale farmers are the ones who are being hardest hit at the present time and who are experiencing liquidity problems in relation to further development, the purchasing of new equipment, and the provision of increased economic viability of their properties.

Mr Trainer: Tell us a bit about tariffs while you're about it.

The Hon. W. E. CHAPMAN: That is a subject on which a colleague in another place excels and one on which I would not dare to venture on this occasion. I take the question raised by the member for Hanson seriously. Indeed, the impact on the rural community is no different from that which applies to the metropolitan communities in this current climate of the high interest rate structure. In the rural community, primary producers are dependent on the stock firms for obtaining their loan funds. The stock firm loan fund advances are available to the rural sector for buying stock and other merchandise, and at present there is a 17 per cent interest rate.

The Hon. J. D. Wright interjecting:

The Hon. W. E. CHAPMAN: I recognise that this is an important subject and one which I am delighted to have raised by a colleague from the metropolitan area. The great difference between membership of this side of the House and the other is that the Liberal Party is broadly based, and has equal regard for the metropolitan masses as it has for the rural sector. I am sure members opposite would recognise in recent days how that has been demonstrated by yet another metropolitan—

The Hon. J. D. Wright: Is this a Dorothy Dixer or not?

The SPEAKER: Order!

The Hon. W. E. CHAPMAN: In short, of course the impact on the rural community is real. It is equally as real under the burden of our current interest rate structure as it is on any other industry whether it be primary or secondary. For the benefit of the member for Hanson and others who may be interested in this vital subject, I shall do a bit of homework on it and report to the House when it next meets about more specific areas of the impact of high interest rates on the rural community.

SITTINGS AND BUSINESS

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That the House at its rising adjourn until Tuesday 23 March 1982 at 2 p.m.

In moving this motion, I would like to remind the House that next Monday, 8 March, will be Commonwealth day. It is a day on which all Australians and the peoples of every member nation of the Commonwealth are reminded of their historic affinity.

As I said at this time last year, it is a time, also, to reflect on the service which that affinity continues to offer the world in modern times, for, despite the differences of culture and language, and despite the vast distances that separate us, there remains a common and active resolve amongst member nations to serve the interests of peace and international goodwill. To members of Parliament, the Commonwealth's relevance to modern times, its readiness to pursue the objects of universal advancement, and its willingness to assist developing countries, are constantly evident in the activities of the Commonwealth Parliamentary Association.

The C.P.A., like the Commonwealth itself, has undergone a process of evolution. Since its founding in 1911 as the Empire Parliamentary Association, it has grown to meet the changing and varied needs of its members on every continent. The C.P.A. is today an association of Commonwealth parliamentarians who, irrespective of race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms, and by pursuit of the positive ideals of parliamentary democracy. This kinship is mirrored in the affinity which the people of the Commonwealth have for each other. I think it most appropriate that we should recognise Commonwealth Day next Monday.

Mr BANNON (Leader of the Opposition): I second the motion, of which no notice had been given, but I am pleased to do it. Just at lunch today, the member for Norwood and I attended the monthly luncheon of the Commonwealth Club at which the British High Commissioner, Sir John Mason, addressed the gathering. In the course of his address, he made some very apposite remarks about the Commonwealth and its significance, particularly in relation to the former colonial links but perhaps more importantly to the contribution that the Commonwealth has made to the world today.

In the course of that speech, he had occasion to refer to the Commonwealth Games which are taking place in Brisbane later this year, and he reminded the gathering that the Commonwealth Games should not be seen as being geographically located because they are not the property of a particular city or a particular State; they are in fact the property of the Commonwealth as a whole, that is, the many nations throughout the world linked by this common bond. I would think that it is singularly appropriate when we are talking about Commonwealth Day to note with some alarm and concern what is happening at the moment in relation to the unofficial English cricket tour of South

Africa, the events in New Zealand last year connected with Rugby Union and, indeed, some of the policies of the Queensland Government in terms of the indigenous Aboriginal people of Australia, all of which events are affecting relations in the Commonwealth, particularly so far as the nations of Africa are concerned.

I think when we are thinking about Commonwealth Day we do not want bland sentiments about universal brotherhood and so on; we want a realistic look at the problems within the Commonwealth and what it stands for as a symbol of unity across race, across ideologies, and across politics. All of that can be expressed very well on the sporting arena. I think it is crucial that not only the Australian Government but its components in the States make clear their attitude to racism and to sporting contacts with a country which has in fact turned its back on what are really the principles on which the Commonwealth has been founded.

Motion carried.

ROXBY DOWNS INDENTURE BILL

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to ratify and approve a certain indenture between the State of South Australia and others; to make special provision for local government in relation to a part of the State subject to the indenture; and for other purposes. Read a first time.

The Hon. E. R. GOLDSWORTHY: I move:

That this Bill be now read a second time.

Members will be aware that at the last election the Government undertook to 'encourage the full-scale development of the copper/uranium deposits at Roxby Downs'. This was in the context of a well recognised need for major new projects to be encouraged in order to provide the necessary diversity for South Australia's economy to grow and develop, thus ensuring that South Australia shared in the benefits of economic growth taking place elsewhere in Australia.

In furthering this policy, the Government has maintained close and continuous contact with companies involved in exploration for minerals and petroleum, including, of course, the joint venturers involved in Roxby Downs, Western Mining Corporation and British Petroleum. Shortly after coming into office this Government was asked to reaffirm undertakings given by the member for Hartley, when Premier, in May 1979, to the joint venturers. The existence of these undertakings was not known to the Government before it came into office. I table copies of the documents for the information of members. The essence of the undertakings was the recognition of the joint venturers' rights to security of their mining tenements 'until such time as a viable mining operation is proved to the satisfaction of the Minister of Mines and Energy in consultation with Western Mining Corporation Ltd and any other participants in the project, taking into account normal commercial considerations and any conditions imposed in the light of Government policy with regard to uranium'. More particularly, the then Government undertook that 'it will further recognise your company's right (and if appropriate, that of any other participants in the project) to acquire a mining and development title over the Olympic Dam project area, under the aegis of a mining and development indenture to be entered into at that time.'

These were significant undertakings from the company's point of view and enabled it to commit to an expenditure of $10 000 000 per annum over the ensuing three years at Olympic Dam and $5 000 000 over three years in relation to exploration licences held over the remaining Stuart Shelf area.

In July 1979 agreement was reached between Western Mining Corporation and B.P. for the latter's acquisition of a 49 per cent interest in Olympic Dam and the Stuart Shelf and participation in further exploration and development of those areas. This involved B.P. supplying $50 000 000 for exploration, metallurgical testing and other work at Olympic Dam and funding the further expenditure necessary to bring that desposit into production and $10 000 000 over three years on the Stuart Shelf. After that period B.P. would be able to select up to 10 areas on the Stuart Shelf, each of approximately 65 square kilometres in each of which B.P. would be required to spend a further $10 000 000 to maintain its interest. In entering these commitments, which were (and are) substantial not only by Australian but by world standards, the joint venturers were no doubt influenced by the nature and significance of the undertakings of the Government of the day.

Following the election of 1979, the present Government came to office. As mentioned, the undertakings of the previous Government were reaffirmed. On 10 February of the following year, I outlined in this House the Government's policy with regard to uranium in the following terms:

> The Government believes that mining and processing of uranium should proceed, subject to all environmental impact statement requirements being satisfactorily met and all necessary procedures being followed in production operations to ensure the proper handling of products and the sale of uranium to approved countries.

Subsequently, in May 1980, the joint venturers announced that they would spend an additional $10 000 000 to $15 000 000 constructing an exploration shaft to obtain samples of ore large enough for metallurgical testing. The first such sample has now been obtained. The indenture and ratifying Bill now placed before Parliament has been negotiated having regard to all aspects of the Government's policy on uranium mining reflected in the statement I quoted a moment ago and having regard to the fact that responsibility for uranium sales contracts with overseas customers rests with the Commonwealth Government.

Before turning to the ratifying Bill and the indenture it seeks to ratify, I believe that it is appropriate that I outline relevant technical aspects regarding the mineralisation at Olympic Dam and the Stuart Shelf. Exploration at Olympic Dam began in May 1975 when Western Mining Corporation Ltd acquired an exploration licence as part of an Australia-wide search for copper, based on theoretical concepts of ore occurrence in sediments. The Stuart Shelf was selected as a target, since it was considered to have favourable characteristics analagous to the Zambian Copper Belt which was regarded as the conceptual model.

Results of the first hole, sited on geophysical anomalies and drilled to provide subsurface geological data, are now legendary. It was not until the tenth hole was drilled, however, that the immense potential of the region was realised. Since that time, the tempo has quickened.

Over the past two years the exploration activity has been intense. A total of nearly 300 diamond drill holes have been drilled to outline a mineralised zone elongated north west-south east, with dimensions of 7 km by 4 km, at depths below the surface between 350 metres and 1 100 metres. Thus, the deposit ranks among the world's largest concentrations of both copper and uranium, with grades likely to average about 1.5 per cent copper and .05 per cent uranium oxide. However, there are significant zones of higher grades of these metals.

This is a remarkable deposit in terms of size of contained metals and mineralogy, and it appears to be unique, genetically—it is quite unlike any known orebody. The strata containing copper-uranium-rare earth element mineralisation are widespread, with the ore zones consisting of bornite-chalcopyrite-pyrite, and overlain in parts by a chalcocite-

bornite assemblage with gold. Cross-cutting fluorite, barite, carbonate and hematite occur throughout the sequence.

As mentioned earlier, the decision was made early in 1980 to sink a shaft to procure bulk samples for metallurgical tests to provide data for evaluation and assessment. Accordingly, a 6 metre x 3.2 metre shaft (Whenan Shaft) is being sunk to an initial target depth of 500 metres—it is currently at a depth of 420 metres.

Exploration is proceeding elsewhere on the Stuart Shelf as well as at Olympic Dam—altogether 15 drilling plants are being operated. A camp and facilities for 250 persons including prefabricated accommodation units, mess, ablution, medical and recreation facilities, power and water supplies, and a 1 600 metre airstrip have been established at Olympic Dam. A workshop, plant store, sample preparation block, and drill storage yard have also been constructed.

I now return to the ratifying Bill and the indenture. Detailed discussions regarding an indenture commenced in the middle of last year when the joint venturers placed before the Government proposals for consideration and response. In the negotiations that ensued, I was assisted by a committee, co-ordinated by an officer of the Department of Mines and Energy, and comprising representatives of Treasury, the Attorney-General's Department, a town planner seconded from the Department of Environment and Planning and my own office, when matters of principle relating to matters such as exploration, mining, royalties and State taxation arose, it was augmented by the Director-General of Mines and Energy and the Under-Treasurer. When matters arose requiring specialist advice from the departments, officers of the relevant department or instrumentality were consulted and often took part in direct negotiations with the joint venturers.

Without seeking to be exhaustive, departments and instrumentalities involved in this way included the Engineering and Water Supply Department, The South Australian Health Commission the Electricity Trust of South Australia (which, because it is not subject to direct Ministerial control was in many senses involved as a party principal), the Department of Environment and Planning, the South Australian Housing Trust, the Department of Marine and Harbors, the Highways Department and the Department of Local Government. Virtually all departments and instrumentalities were consulted on their needs for infrastructure.

The ratifying Bill and the accompanying indenture are, because of the nature and size of the project that they contemplate, complex documents. This is because of the need of the joint venturers for commercial as well as legal security in a situation where large amounts of money have been spent, and will continue to be spent, by the joint venturers, as I will explain in a moment. I should add, however, that the fact that so many questions of detail have been resolved now will avoid the risk of uncertainty in the future. The main feature of the arrangements before the House are as follows.

The indenture contemplates a project of up to 150 000 tonnes of copper per annum. It is estimated by the joint venturers that commitment to such a project could involve expenditures well in excess of $1 billion, employment of 2 000 to 3 000 at the mine site, and the establishment of a town of up to 9 000 people. This can be at either Olympic Dam or on the Stuart Shelf although, at present, it is considered that Olympic Dam is the most likely location. The joint venturers are expected to complete their studies regarding the initial project by the end of 1984. In this regard, they undertake to spend an additional $50 000 000 over and above funds already committed and referred to earlier. Thus, the total prefeasibility expenditure will amount to $100 000 000. This expenditure is far greater than any prefeasibility expenditure for a major resource development project in Australia, including the North-West Shelf of Western Australia, which was less than half that amount.

Having completed their studies, the joint venturers are expected to commit to an initial project by not later than 1987, unless it is not economically practicable to do so at the time. In such circumstances, they have the right to postpone their obligations for successive two-year periods, subject to the overriding right of the Minister to refer the question of economic impracticability to an independent expert. In the event that the independent expert should disagree with the joint venturers' assessment and the Minister be of the view that the joint venturers should commit to an initial project, and they not do so, the indenture would terminate.

In the event that there is no commitment to an initial project by 1991, all major elements of the indenture (for example, water, power, roads, royalty) must be renegotiated. The indenture makes provision for a wide range of matters relating to the initial project. These include environment and radiological protection, water and electricity, roads, infrastructure, exploration and mining licences, township and municipality, royalties and taxes, and local government. The indenture has a number of key features:

Protection of the Environment.

Adequate protection of the environment is assured. In addition to the normal e.i.s. procedures, the relevant joint venturers, following commitment to an initial project, must provide a programme for protection, management and rehabilitation of the environment for approval by the Government every three years. As well as complying with this overall requirement, an interim report must be provided annually concerning the programme, all relevant raw data must be provided to the Government and, at the end of the three years, a detailed report concerning the programme must be submitted. The indenture contains provision for rectification by the relevant joint venturers, subject to Government approval, in the event of a sudden and unexpected material detriment to the environment occurring as a result of the joint venturers' operations.

The ratifying Bill contains provisions for the operation of the Aboriginal Heritage Act in relation to the operation of the joint venturers.

Radiological Protection.

The standards or radiological protection that must be achieved by the joint venturers are high. In addition to complying with codes set from time to time by the National Health and Medical Research Council, the International Commission of Radiological Protection and the International Atomic Energy Agency, the joint venturers have accepted the obligation to ensure that radiation exposure levels are as low as reasonable achievable. In considering its approach to this matter, the Government has had regard to the views of the Legislative Council Select Committee on Uranium Resources which reported last year.

Infrastructure.

The indenture specifies the range of infrastructure which is to be at cost to the State. This covers basic Government facilities in the town such as schools, hospital, police station and courtroom, recreation and sporting facilities, and the like. The State will bear half the cost of a sealed road from Pimba to Olympic Dam. All other infrastructure, including power lines and water pipelines, roads and other development and subdivision costs in the town site will be met by the joint venturers. It is estimated that, for a town of about 9 000 people, the infrastructure costs to be met by the Government would be pro-rated $50 000 000 in today's prices. The joint venturers would outlay an estimated $150 000 000 on infrastructure for a project of 150 000 tonnes of copper, as well, of course, as the cost of the mine

and associated facilities which is expected to be, as mentioned earlier, approximately $1 billion for a project of this size. Prior to commitment to a mining prospect, all infrastructure costs will be met by the joint venturers.

I believe that these arrangements are financially advantageous to the State. As I stated in my second reading speech regarding the Stony Point indenture, the Government's philosophy with regard to infrastructure for major developments is that it should be provided as far as possible by the developers concerned. This approach minimises the Government's exposure to risk, ensures that the State's ability to raise finance for other priority works is not reduced, and that direct or indirect subsidies to specific projects are avoided. If the decision is not taken to go ahead, any money spent by the Government is to be reimbursed.

Royalty.

The provisions will yield more to the State than would be the case if the Mining Act were applicable, and have been carefully designed to ensure an adequate return to the State without operating as a disincentive to the joint venturers. This result is achieved by means of an *ad valorem* royalty and a surplus-related royalty. An *ad valorem* royalty of 2½ per cent is payable during the first five years which increases to 3½ per cent thereafter. Surplus-related royalty is payable from the commencement of commercial production on any surpluses in excess of a theshold level on a sliding scale, which commences at zero when the annual return on funds employed is up to 1.2 times the Commonwealth of Australia 10-year bond rate, and rising to 15 per cent where the return on funds employed is 2.4 or more times the same bond rate. When returns are such that surplus related royalty is payable, the 1 per cent increase in *ad valorem* royalty will be allowable as a deduction from surplus-related royalty payments. The State is thus guaranteed a minimum royalty rate of 3½ per cent *ad valoren* after five years. The effect of these provisions is that the people of South Australia will have the opportunity to participate in any substantial surplus of the project.

Water and Power.

Charges for services by the Engineering and Water Supply Department and the Electricity Trust of South Australia have been or are to be set having regard to the need for adequate cost recovery to them from the joint venturers. In the case of the electricity purchased by the joint venturers from ETSA, the indenture makes clear that there is to be no subsidy between other consumers in the State and the joint venturers. In the case of both water and electricity, provision is made to ensure that the joint venturers' requirements can be accommodated by the relevant system without detriment to other users. In particular, the use of water from the Great Artesian Basin is tightly controlled.

State Preference and Further Processing.

Provision is made for State preference in relation to labour, supplies, materials and services in virtually identical terms to the Stony Point indenture. In this regard it is of interest that, of the $49 500 000 spent so far by the joint venturers at Olympic Dam, 81 per cent (that is, $39 000 000) has been spent in South Australia. With regard to further processing, there is provision requiring the joint venturers to undertake studies and to give preference to the further processing of the mine's output in the State and, where technically and economically feasible, to encourage and support such further processing. There is appropriate protection for the joint venturers' right to sell product on commercial terms acceptable to them and their freedom of contract with regard to sale of product from the mine, subject, of course, to Commonwealth Government requirements. These arrangements reflect the Government's desire to retain the benefits of major resource developments within South Australia to the greatest possible extent.

Local Government.

It is the desire of both the Government and the joint venturers to establish local government over the town as soon as the joint venturers commit to a project. The mine, although it will be located outside the municipality, will make an annual contribution of up to $150 000, indexed, in accordance with the c.p.i., to the municipality's revenues. This amount will be prorated on the basis of a town of 9 000 people directly and necessarily related to the joint venturers' operations.

Exploration and Mining Licences.

Provision is made for the joint venturers to apply for a special mining lease under the indenture in relation to Olympic Dam upon commitment to an initial project in that area. Pending such commitment existing tenements are preserved. Once granted the special mining lease will last for 50 years with appropriate provision for renewal, provided ore reserves are adequate.

With regard to the Stuart Shelf, the relevant current exploration licences are extended until 1985. The Stuart Shelf joint venturers are then able to apply for up to 10 selected areas, each to be no greater than 65 square kilometres, over which special exploration licences will be granted. These will have a term of 10 years, unless and until there is commitment to an initial project, in which case these special exploration licences will be extended for a further 10 years.

Once the special exploration licences have been granted and the Stuart Shelf joint venturers commit to a project on one or more of the selected areas, the indenture makes provision for them to apply for a special mining lease in the terms outlined a moment ago. The indenture contains stringent expenditure and relinquishment requirements in relation to the special exploration licences, based on an expenditure per square kilometre of retained area of $5 000 per annum, indexed. The expenditure requirements which are substantially higher than under the Mining Act ensure that potentially valuable ground is actively explored and developed rather than 'warehoused',. thus ensurin the maximum benefit to the people of the State from the minerals that the Crown owns on their behalf.

Stamp Duties.

An exemption is provided in the indenture from stamp duties on a range of transactions under or related to it. In particular, stamp duties on transactions related to the provision of infrastructure that, in other circumstances, might have been provided by the State have been waived. The exemptions are however, in general, more limited than those made available in recent years for comparable projects in other States. The Government's approach to this matter has been governed by its desire to minimise preferential treatment to large resource projects.

Assignment.

The indenture protects the State's interest to the greatest degree possible in the event that the joint venturers wish to assign their interests. While the joint venturers are able to freely assign to each other, in all other cases the consent of the Minister must be obtained. In the case of assignment to subsidiaries the Minister may satisfy himself as to the ability of the subsidiary to discharge its obligations under the indenture before granting his consent. These provisions ensure that the indenture obligations continue to be met in the event of a change of participants in the activities contemplated by it.

Administrative Procedures.

The administrative arrangements set out in the ratification Bill ensure that relevant Ministers and their departments are fully consulted as decisions are taken from time to time in relation to the project. While the joint venturers are given the convenience of a single Minister as the contact

point with the Government for the purpose of obtaining approvals, licences, etc., that Minister must obtain the approval of the relevant Minister before issuing the approval, licence, etc. that is being sought. This ensures that technical and policy concerns of Ministers and departments continue to be considered, as was the case during the negotiations that led to the indenture. Those are the main features of the indenture and its ratifying Bill. As I indicated earlier, I believe that it is necessary for all members to study the indenture itself and the ratifying Bill if they are to obtain a full appreciation of their contents.

The arrangements before the House today do, I believe, represent a major opportunity for a most significant development within the State. There is considerable interest throughout Australia and in overseas countries in the development of this unique orebody. Opportunities such as this do not present themselves frequently. The indenture and its ratifying Bill have been exhaustively negotiated, having regard to the need to ensure proper protection of community interests and the maximum financial benefit to the people of the State, having regard to their ownership of the minerals that will be developed as a result of the ratification of this indenture. The events that have led to the introduction of this measure into Parliament today have included encouragement to the joint venturers from the former, as well as the present, Government. It is very much to be hoped that this support from both sides of this House will be reflected in a positive consideration of this Bill and the innovative arrangements that it seeks to ratify. I commend the Bill to the House. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 contains definitions required for the purposes of the ratifying Act. It also provides that words defined in the indenture have the same meaning in the ratifying Act. Clause 5 provides that the indenture and the ratifying Act bind the Crown. Clause 6 provides for the ratification and approval of the indenture. It requires the Crown and all other public authorities to carry out their obligations under the indenture and provides against actions that may frustrate implementation of the indenture.

Clause 7 makes modifications to the law of the State that ae necessary in view of the provisions of the indenture. Clause 7 of the indenture provides a procedure under which applications for statutory permits, approvals and so on may be made to the Minister. Clause 7 (3) prevents the Minister from granting any such permit or approval without the consent of the Minister within whose portfolio the matter would normally arise. Clause 8 deals with the minimum standards to be imposed in licences, permits or authorisations relating to the handling of radioactive substances. Clause 9 provides for the application of the Aboriginal Heritage Act to the operations of the joint venturers. The Act will be generally applicable to those operations, but the joint venturers are given certain carefully restricted privileges in relation to the declaration and use of protected areas, and in relation to the exercise of powers under section 26 of that Act.

Clause 10 is a regulation-making power. Clause 11 makes the Crown liable to a decree of specific performance in relation to its obligations under the indenture. Clause 12 provides for the exercise of powers of local government in relation to the municipality to be established for the purposes of the initial project. Local government will be administered, in the first instance, by an administrator and this involves some modifications of the Local Government Act. The clause also makes various other alterations to the Act insofar as it will apply to the projected new municipality. These reflect the provisions of clause 23 of the indenture.

The Hon. R. G. PAYNE secured the adjournment of the debate.

FISHERIES BILL

The Hon. W. A. RODDA (Minister of Fisheries) obtained leave and introduced a Bill for an Act to provide for the conservation, enhancement and management of fisheries, the regulation of fishing and the protection of certain fish; to provide for the protection of the aquatic habitat; to provide for the control of exotic fish and disease in fish, and the regulation of fish farming and fish processing; to repeal the Fisheries Act, 1971-1980; to repeal the Fibre and Sponges Act, 1909-1973; and for other purposes. Read a first time.

The Hon. W. A. RODDA: I move:

That this Bill be now read a second time.

I commend the Bill to the House. It has had the complete research of the industry and interested parties, as well as the Department of Fisheries. The business of the House is such that we are running against time and we are rising for two weeks, so I ask leave to include the second reading explanation in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is the product of a thorough review of existing fisheries legislation which was undertaken in consultation with interested parties including the Australian Fishing Industry Council (AFIC), representing commercial fishermen and processors, the South Australian Recreational Fishing Advisory Council (SARFAC), representing recreational fishermen, and the aquarium and fish farming trade. The Bill incorporates the Fisheries Act Amendment Bill introduced into this House on 3 December 1981. That Bill gives effect to the Fisheries part of the offshore constitutional settlement agreement. The Bill also contains the provisions of the Fibre and Sponges Act, 1909-1973.

The new Fisheries Bill implements the Government's policies for the development of the fishing industry in South Australia. It recognises that fisheries management is a dynamic system which requires flexibility in management decision making. The Bill provides a sound base for the conservation, enhancement and management of fisheries, and enables the Governor to make regulations to provide for schemes of managerment for particular fisheries. There are a number of features of the Bill worth highlighting.

First, Part 2 of the Bill relating to Commonwealth/State arrangements enables the following management regimes to apply beyond the limits of internal waters.

1. Management of specified fisheries by joint authorities either under—
   (a) Commonwealth law applying from the low water mark where two or more states are involved or
   (b) Commonwealth or State law applying from the low water mark where only one state is involved;
2. Arrangements whereby neither the Commonwealth or a State may manage a fisheries under either Commonwealth or State law, that law applying from the low water mark and
3. Continuation of the status quo, that is, State law applying within the three nautical miles and Com-

monwealth law beyond that distance where no arrangement has been entered into in relation to management of a particular fishery. It is envisaged that this provision would rarely be used, especially in the longer term.

This legislation is part of a national agreement. Identical provisions have received royal assent in Victoria, Western Australian and the Northern Territory. A Bill has passed both Houses in Tasmania. A Bill lapsed in New South Wales when Parliament was prorogued, but will be reintroduced. A Bill has been introduced to the Queensland Parliament.

Fisheries inspectors have been retitled fisheries officers, consistent with the changing functions of this group. Fisheries officers' duties now include various extension and liaison functions, in addition to their important enforcement role. The powers of fisheries officers reflect the importance of their role in ensuring that the Government's policies relating to the management and development of the fishing industry in South Australia are adequately enforced.

The provisions relating to seizure will mean that things seized shall be held by the Crown pending proceedings for an offence against the Act relating to the thing seized. There is provision for the Minister to authorise release of the thing seized upon application. In addition, there is provision for an appeal against the Minister's decision not to release a thing seized. In the context of the Bill, a thing includes a boat, equipment, gear, devices, and fish. Compensation is also payable where a thing has been seized, and the offence not proven.

The Bill provides for revised provisions to enable the Minister to carry out any research, exploration, experiments, works or operations of any kind and continues the fund known as the Fisheries Research and Development Fund. The Bill provides for more realistic penalty provisions in keeping with the limited entry management policies which apply in South Australia's fisheries. Support for substantially increased monetary penalties has come from both AFIC and SARFAC who also strongly support the suspension or cancellation of a licence, registration or permit upon conviction for a serious offence or a second offence, together with seizure and forfeiture of gear used and fish taken. The Government supports the industry's view that it is an essential requirement of fisheries management to have the necessary authority to deal fairly and firmly with those trangressors who, while holding a privileged access right to a common property resource, have abused that privilege.

The Bill fulfills the Government's promise of more effective penalties, including the application of penalties to the fishery licence. Extensive consultation with AFIC and SARFAC regarding the desirability of offences being strengthened and more precisely described in the Act has contributed to the relevant provisions in the Bill. Careful consideration has been given to the impact and effectiveness of each penalty, and an appropriate mixture of penalties is set out in the Bill.

The Bill provides for the Governor to make regulations prescribing schemes of management for particular fisheries. Amongst other things a prescribed scheme of management may contain matters relating to licensing, fees, and registration of devices. There will be scope for variation of policy between fisheries. However, there will be uniform requirements on each licence within a fishery. The Bill provides wider powers to make regulations—making it easier to give legal effect to a policy for each fishery. (For example transferability, vessel replacement). It is more flexible to do this than to write specific provisions into the Act.

The actual policies will be contained in the schemes of management, which will describe each fishery. Commercial licences will be issued only under a scheme of management. There will not be a general 'Class A' (or 'B') licence, or separate authorities. These will be covered by 'fishery licences', for example the marine scale fishery, or the prawn fishery—which will define the species, zone, gear, boat size, etc. All licences will show the species to be taken commercially.

There will no longer be a licence to employ. If the holder of the 'fishery licence' is not required to be on board the boat, and the registered master of the boat commits an offence, the master will carry a personal penalty, and the fishery licence will be subject to suspension upon conviction for a second offence. In respect of fishing (that is, as opposed to processing, etc.) the central concern is one of a 'fishing activity' and 'engaging in a fishing activity'.

The crux of the licensing system will be the fishery licence with endorsements thereon of the registered boat and the master of the boat. The schemes of management will be contained in the regulations, setting out the matters relating to the granting of licences and registrations in respect of each fishery. Some flexibility is provided in the proposals, enabling a new or developing fishery to have a scheme of management prescribed at an appropriate time, and relevant fishery licences thereby created. This Bill maintains existing provisions for protection of the aquatic habitat, along with updated provisions for aquarium fish, exotic species, and fish farming operations. With the growth of an aquarium fish industry, aquaculture and the stocking of waters with fish, legislative powers are required to make regulations for these operations.

The new provisions will enable the application of national complementary arrangements to control exotic fish and fish diseases, particularly as they relate to fish farming. New provisions give wider powers to control fish farming and related activities, where necessary. Farm dams on private property will not be subject to the provisions in the Bill except in the case of fish farming, fish disease outbreak, or prohibited species.

The Bill empowers the Governor to make regulations declaring fish of a specified class to be exotic fish, and it regulates the introduction into the State, the possession, control, sale, purchase, consigning, delivery and transport of such fish. Particular attention is paid to the prevention, elimination or control of disease in farm fish and the prevention of the escape of farm fish into other waters, or the release of the water in which the fish are farmed. A person keeping fish or operating a fish farm, will be required by regulation to notify the director of the occurrence of disease or symptoms of disease in fish kept or farmed by that person. Measures to be taken for the recovery, eradication or containment of exotic fish or farm fish that have been released or have escaped into any waters will also be prescribed.

The Bill gives effect to most of the recommendations of the review committee on processing and marketing of fish established by the previous Government. It abolishes the category of fish dealer and establishes a broad category of fish processor for registration purposes. There are no provisions for intervening in normal market arrangements. The review committee on processing and marketing of fish completed its final report in August 1980. Whilst further discussion still needs to take place on the matter of processors holding licences in managed fisheries, the committee's recommendations were accepted by the Wholesale Fish Merchants' Association (representing major processors), the South Australian Fish Shop Retailers' Association (representing fish and chip shops, etc.) and AFIC (representing the commercial fishing industry).

The Bill provides for a person acting as a fish processor to be registered and every premises, place or boat he uses to be specified in the certificate of registration. Power is

provided for the Governor to make regulations for the regulation of fish processing and matters ancillary or incidental to, or connected with fish processing; these provisions generally accord with the recommendations of the review committee. Under the provisions of this Bill a professional fisherman will not be required to hold a certificate of registration as a fish processor in order to sell unprocessed fish he has taken under his fishery licence.

The regulation powers provide for fish processors to furnish returns setting out information relating to the sale, purchase, processing, storage and movement of fish. Regualtions dealing with receptacles, labelling and fees are also proposed. In addition to more realistic monetary penalties, new provisions empower the court to suspend or cancel a licence, for certain specified serious offences. There is a provision for the Minister to suspend or cancel licences in circumstances where an uthority was obtained improperly or where a person has been convicted of an offence against any other act relating to fishing or involving violent or threatening behaviour.

The Bill provides for appeals before a local court. Appeals regarding fishery licences will be confined to the provisions of the scheme of management for the particular fishery. Under miscellaneous provisions, the Minister will be empowered to exempt a person, or class or persons, by notice published in the *Gazette,* from any specified provisions of the Act.

A new provision will require the director to keep a register of licences and registrations available for public inspection, together with the tabling of an annual report on the operation of the Act. The Bill provides that where a person is convicted of an offence against the Act involving the taking of fish, the person convicted shall be liable, in addition to any other penalty prescribed by this Act, to a penalty equal to:

(a) Five times the amount determined by the convicting court to be the wholesale value of the fish at the time at which they were taken;
or

(b) ten thousand dollars,

whichever is the lesser amount.

New provisions establish vicarious responsiblity where the licence holder—either a natural person or body corporate—is not directly involved in fishing operations. Overall the Fisheries Bill provides a sound basis for the conservation and management of fisheries within State territorial limits (abalone, prawn, marine scale, rock lobster) as well as through the joint authority provisions for the offshore fisheries (tuna, shark). The incorporation of provisions enabling the Governor to make regulations to provide for schemes of management for particular fisheries is a positive step forward, and will enable a flexible approach to be taken to the problems of fisheries management in the foreseeable future. I commend the Bill to the House.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Under the clause different provisions may be brought into operation at different times. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Fibre and Sponges Act, 1909-1973, and the Fisheries Act, 1971-1980.

Clause 5 sets out defintions of terms used in the measure. Attention is drawn to the definition of 'fishing activity' which is defined as the act of taking fish or any act preparatory to, or involved in, taking fish. 'Fishery' is defined under the clause as being a class of fishing activities declared by regultion to constitute a fishery. Under subclause (2), a class of fishing activities may be defined by regulation or other statutory instrument by reference to one or more factors such as the species of the fish, the sex, size or weight of the fish, a number of quantity of fish, a period of time, an area of waters or a place, etc. Under subclause (3), a person is to be regarded as engaging in a fishing activity of a defined class if he does the act that falls within the class as defined, or if he does any of certain preliminary acts, such as using a device for the purpose of the activity, or using a boat for that purpose, or being in charge of, or acting as a member of the crew, of a boat being used for the purpose, or diving for the purpose. Subclause (6) defines the waters to which the measure is to apply, these being: *(a)* the waters within the limits of the State; *(b)* except for purposes realting to a fishery to be managed under Commonwealth law, waters that are landward of the Commonwealth proclaimed waters adjacent to the State; *(c)* for purposes relating to a fishery to be managed under State law, any waters to which the legislative powers of the State extend with respect to that fishery; and *(d)* for purposes relating to recreational fishing not involving foreign boats, waters to which the legislative powers of the State extend with respect to those activities.

Part II of the measure, comprising clauses 6 to 19, provides for Commonwealth-State arrangements with respect to the management of fisheries. Clause 6 sets out definitions of terms used in Part II. Attention is drawn to the definition of 'fishery' which is defined in terms of a class of fishing activities identified in an arrangement made under Part II by the State with the Commonwealth or with the Commonwealth and one or more other States. Attention is also drawn to the definition of 'Joint Authority' which is defined to mean the South Eastern Joint Authority (comprising the Commonwealth, New South Wales, Victorian, South Australian and Tasmanian Ministers responsible for fisheries) established under the Commonwealth Fisheries Act and any other Joint Authority subsequently established under that Act of which the Minister is a member.

Clause 7 provides that the Minister may exercise a power conferred on the Minister by Part IVA of the Commonwealth Act. Clause 8 requires judicial notice to be taken of the signatures of members of a Joint Authority or their deputies and of their offices as such. Clause 9 provides that a Joint Authority has such functions in relation to a fishery in respect of which an arrangement is in force under Division III as are conferred on it by the law (that is, either Commonwealth law or, as the case may be, South Australian law) in accordance with which pursuant to the arrangement, the fishery is to be managed.

Clause 10 provides for the delegation by a Joint Authority of any of its powers. Clause 11 provides for the procedure of Joint Authority. Clause 12 requires the Minister to table in Parliament a copy of the annual report of a Joint Authority. Clause 13 provides that the State may enter into an arrangement for the management of a fishery. The clause also provides for the termination of an arrangement and the preliminary action required to bring into effect or terminate an arrangement.

Clause 14 provides for the application of South Australian law in relation to fisheries which are under an arrangement to be regulated by South Australian law. Clause 15 sets out the functions of a Joint Authority (that is, one that is to manage a fishery in accordance with South Australian law) of managing the fishery, consulting with other authorities and exercising its statutory powers. Clause 16 provides for the application of the principal Act in relation to a fishery that is to be managed by a Joint Authority in accordance with the measure. Clause 17 applies references made to a licence or other authority in an offence under the principal Act to any such licence or other authority issued or renewed by a relevant Joint Authority.

Clause 18 is an evidentiary provision facilitating proof of the waters to which an arrangement applies. Clause 19 provides for the making of regulations in relation to a fishery to be managed by a Joint Authority in accordance

with the law of the State. Part III of the measure, comprising clauses 20 to 32, provides for administrative matters. Clause 20 provides that the Minister and the Director of Fisheries are, in the administration of the measure, to have the objectives of ensuring through proper conservation and management measures that the living resources of the waters to which the measure applies are not to be endangered or overexploited and of achieving the optimum utilization of those resources.

Clause 21 provides for the incorporation of the Minister of Fisheries. Clause 22 continues the office of Director of Fisheries. Clause 23 provides for delegation by the Minister or the Director of powers conferred upon the Minister or Director respectively. Clause 24 requires the Director to prepare an annual report for the Minister on the administration of the measure and provides for the report to be tabled in Parliament. Clause 25 provides for the appointment by the Governor of fisheries officers. Under the clause, the Director of Fisheries and police officers are to be fisheries officers *ex officio*.

Clause 26 provides for identity cards to be issued to fisheries officers (not being police officers). Under the clause, a fisheries officer is required, if requested to do so, to produce his identity card before exercising any of his statutory powers. Clause 27 provides that it shall be an offence if a fisheries officer has, without the consent of the Minister, any financial interest in any business regulated under the measure. Clause 28 sets out appropriate powers for fisheries officers to enter, search, seize, ask questions, give directions, etc. Under subclause (2), the power to enter premises may only be exercised upon the authority of a warrant issued by a justice unless it is being exercised in relation to registered premises of a registered fish processor or in circumstances that the fisheries officer believes warrant urgent action. Subclause (6) empowers a fisheries officer to arrest a person without warrant in appropriately limited circumstances. Subclauses (9) and (10) provide in considerable detail for the seizure and for forfeiture of anything used in the commission of an offence against the measure.

Clause 29 provides that it is to be an offence if a person falsely represents that he is a fisheries officer. Clause 30 protects fisheries officers from personal liability for acts done in good faith in the exercise or purported exercise of a power or duty under the measure. The liability in such cases is to lie against the Crown. Clause 31 authorises the Minister to carry on research and development for the benefit of the industries to which the measure applies. Clause 32 continues the Fisheries Research and Development Fund in existence. The clause sets out the moneys to be paid into the Fund, principally the charges and fees to be paid under the measure, and authorises the moneys to be applied for research and development. Subclause (4) provides for investment of the Fund.

Part IV of the measure, comprising clauses 33 to 58, provides for the regulation of fishing and the other activities regulated under the measure. Division I of this Part, comprising clauses 33 to 46, provides for fisheries and fishing. Clause 33 sets out definitions of terms used in this Division. Clause 34 provides that it shall be an offence attracting a penalty of up to $5 000 if a person engages, for the purposes of trade or business, in a fishing activity of a class that constitutes a fishery unless he holds a licence in respect of that fishery, or is acting on behalf of a person who holds such a licence. Subclause (2) provides for the registration of each boat used in a fishery and the master of each such boat. The clause provides for the use of replacement boats and relief masters with the consent of the director and subject to such conditions as he may impose.

Clause 35 makes provision for applications for licences and registration. Clause 36 provides for the grant of a fishery licence to be determined by the Director subject to and in accordance with the provisions of the scheme of management prescribed for the particular fishery by regulations under clause 46. The clause requires the Director, before registering a boat, to be satisfied that the applicant is the holder of a fishery licence and as to such other matters as may be prescribed by the scheme of management for the fishery. The clause provides that application for registration of a master of a boat must be made by the holder of a fishery licence who has a registered boat and that the proposed master must be a fit and proper person to be master of the boat. Under subclause (2), the holder of a fishery licence is to be the only person who may be registered as the master of a boat used pursuant to that licence if the scheme of management for the particular fishery so provides. Registration of a boat or master of a boat is to be effected by endorsement of the related fishery licence.

Clause 37 empowers the Director to impose conditions of fishery licences. Contravention of a condition is to be an offence attracting a penalty of up to $1 000 for a first offence, $2 500 for a second offence and $5 000 for a subsequent offence. Clause 38 provides that a fishery licence is not to be transferable unless the scheme of management for the particular fishery so provides, in which case, it is only to be transferable if the Director is satisfied as to the matters prescribed by the scheme of management and consents to the transfer. Clause 39 provides that the registration of a boat or master of a boat endorsed on a fishery licence terminates or is suspended if the licence terminates or is suspended.

Clause 40 requires the holder of a fishery licence to carry it with him at all times when he is engaging in any fishing activity pursuant to the licence. The fishery licence must also be carried on a registered boat by the person in charge when the boat is being used for any purpose. Clause 41 provides that it shall be an offence if a person engages in a fishing activity of a class prescribed by regulation. The penalty fixed for this offence is a maximum of $1 000 in the case of a first offence, $2 500 in the case of a second offence and $5 000 in the case of a subsequent offence. It should be noted that under clause 69 a court convicting a person of the offence, where fish were taken in contravention of the measure, is required to impose a further penalty equal to five times the wholesale value of the fish or $10 000 whichever is the lesser amount. The offence created by this clause is designed to cater for most of the controls on fishing, such as taking undersized fish, bag limits, closed seasons, closed waters, etc., which are separately provided for under the present Fisheries Act. This definition of a fishing activity by reference to any combination of factors achieves the necessary flexibility that is not present with the present approach.

Clause 42 provides that it shall be an offence to take fish of a class declared by regulation to be protected. The penalty for a first offence is fixed at a maximum of $2 000 and, for a subsequent offence, at a maximum of $5 000. Clause 43 provides that the Governor may be proclamation declare that it shall be unlawful to engage in a fishing activity of a class specified in the proclamation during a period specified in the proclamation. Contravention of a proclamation under the clause is to be an offence attracting the same penalties as are provided in relation to clause 41.

Clause 44, at subclause (1), provides that it shall be an offence if a person sells or purchases fish taken in waters to which this Act applies unless the fish were taken pursuant to a fishery licence. Subclause (2) provides that it shall be an offence to sell or purchase, or have in one's possession, any fish taken in contravention of the measure or any fish of a class prescribed by regulation. The penalty for an

offence against subclause (1) is to be a maximum of $5 000. The penalties for offences against subclause (2) are to be the same as those fixed in relation to clauses 41 and 43.

Clause 45 provides that it shall be an offence if a person, without reasonable excuse, obstructs or interferes with a lawful fishing activity or interferes with fish taken in the course of a lawful fishing activity. Under the clause, a person engaged in a lawful fishing activity may request a person interfering with or obstructing the activity to cease the interference or obstructive conduct and that person is to be guilty of an offence unless he complies with the request. Provision is made for a court convicting a person of an offence against the clause to order the convicted person to pay compensation for any loss resulting from the commission of the offence. Clause 46 provides for the making of regulations for the conservation, enhancement and management of the living resources of the waters to which the measure applies, for the regulation of fishing and the protection of certain fish. The clause provides, in particular, for the declaration that a class of fishing activities is to constitute a fishery and for a scheme of management to be prescribed for the fishery. The scheme of management may limit applications for fishery licences to applications lodged during a specified period or a specified period after the Director has made a call for applications. The scheme may fix the maximum number of licences that may be in force in respect of the fishery, prescribe the qualifications that applicants must possess in order to be elgible to be granted licences, and prescribe a procedure of competitive tendering or ballots under which applicants for licences who are eligible to be granted licences may be selected for the available number of licences. The scheme may prevent or restrict the granting of licences to bodies corporate or partnerships and may provide that only the holders of licences in respect of the fishery may be registered as masters of their boats. The scheme may authorise and regulate licence transfers, fix fees for licences and provide for any other matters with respect to fishery licences. The regulations may, in addition to prescribing schemes of management for licences, provide for the marking of registered boats, regulate the carrying or possession of fishing devices, require the registration of fishing devices and their marking and regulate how fish are dealt with by the persons engaged in the fishing activities in the course of which they are taken.

Division II of Part IV, comprising clauses 47 and 48, provides for the protection of the aquatic habitat. Clause 47 empowers the Governor to declare that any specified waters, or land and waters, are to be an aquatic reserve. Waters that are controlled aquatic reserve under the present Fisheries Act are to continue as aquatic reserve under this measure. Clause 48 provides that it shall be an offence if a person, unless authorised to do so under the regulations, or by a permit, enters or remains in an aquatic reserve. Subclause (2) provides that it shall be an offence if a person, unless authorised to do so by the regulations or a permit, engages in any operation involving or resulting in disturbance of the bed of any waters, removal of or interference with aquatic or benthic flora or fauna or any waters, or discharge, release or deposit of any matter (whether solid, liquid or gaseous) in any waters. Under subclause (3), the Director is authorised to issue permits which may be subject to conditions.

Division III, compromising clauses 49, 50 and 51, provides for exotic fish, fish farming and disease in fish. Clause 49, subclause (1), provides that it shall be an offence if any person brings into the State or sells, purchases or delivers any exotic fish. 'Exotic fish' are defined by clause 5 as being fish of a class declared by regulation to be exotic fish. Subclause (2) provides that it shall be an offence if a person, on or after the expiration of six months from the commencement of the clause, has in his possession or control any exotic fish unless he has possessed the exotic fish since the commencement of the clause and obtained a permit from the Director to continue to possess them. These requirements are not to apply to exotic fish excepted by regulation.

Clause 50 provides that it shall be an offence if any person releases, permits to escape or deposits in any waters any exotic fish, any farm fish or any fish that have been kept apart from their natural habitat. Under the clause, the Director may issue a permit authorising a person to release fish of a class prescribed by regulation into waters specified in the permit subject to conditions specified in the permit. Clause 51 empowers the Governor to make regulations for the control of exotic fish, the regulation of fish farming and the control of disease in fish. Division IV of Part IV, comprising clauses 52 and 53, provides for the grant of leases or licences to farm or take fish. Clause 52 defines 'fish' for the purposes of Division IV to include the fibre of sea grass and sponges. Clause 53 authorises the Minister to grant a lease or licence for a term not exceeding ten years in respect of an area consisting of land or waters, or land and waters, conferring rights to occupy and use the area for fish farming or to take fish from the area.

Division V of Part IV, comprising clauses 54 and 55, deals with fish processing. Clause 54 requires any person who acts as a fish processor to be registered and for the premises, places, boats and vehicles used by him in that operation to be specified in his certificate of registration. Clause 55 authorises the Governor to make regulations with respect to fish processing and matters ancillary or incidental to, or connected with, fish processing.

Division VI of Part IV, comprising sections 56 and 57 makes provision for the suspension or cancellation of authorities, that is, any licence, registration, lease or permit under the measure. Clause 56, at subclause (1), empowers a court convicting the holder of an authority of an offence against the measure, in addition to imposing any other penalty, to order the suspension or cancellation of the authority. Subclause (2) provides that, where the holder of a fishery licence is convicted of one of a number of offences specified in subclause (10), the Director is to cause the conviction to be recorded on the licence. Subclause (3) provides that, where a court convicts the holder of a fishery licence of one of those offences and that person has previously been convicted of such an offence, or there is recorded on the licence a conviction for such an offence, committed during the preceding period of three years, the court must suspend the licence for a minimum period of three months during which fishing pursuant to the licence would otherwise have been lawful. Where the holder has been convicted of two such previous offences, or two such previous offences are recorded on the licence, the convicting court must cancel the licence. A previous conviction recorded on a fishery licence is to be taken into account in relation to an offence committed by the holder of the licence whether or not the previous offence was committed by that person or a previous holder of the licence. This is necessary in order to ensure that there will be little incentive to transfer licences in order to avoid suspension or cancellation. Subclauses (4) and (5) provide that these provisions do not apply in relation to an offence that the convicting court has certified to be trifling.

Clause 57 empowers the Minister to suspend or cancel an authority if he is satisfied that it was obtained improperly or that the holder of the authority has been convicted of an offence against any other Act, whether an Act of this State, another State, a Territory or the Commonwealth, being an offence related to fishing or involving violent or

threatening behaviour and of such a nature that the Minister is of the opinion that the authority should be suspended or cancelled.

Division VII of Part IV, comprising clause 58, provides for review of decisions of the Minister or Director. Clause 58 provides for review by a District Court of a decision of the Director refusing an application for an authority, or the transfer of an authority, or imposing or varying a condition of an authority, or a decision of the Minister refusing an application for the release of anything that has been seized and is being held pending the determination of proceedings for an offence, or by a decision of the Minister under clause 57 suspending or cancelling an authority.

Part V, comprising clauses 59 to 72, contains miscellaneous provisions. Clause 59 empowers the Minister to grant exemptions from compliance with provisions of the measure. An exemption may be made subject to conditions determined by the Minister. Clause 60 empowers the Director to require the holder of an authority to return the authority if it is suspended or cancelled, or for the purpose of varying or revoking a condition of the authority, or imposing a further condition, or, in the case of a fishery licence, for the purpose of recording a conviction on the licence.

Clause 61 provides for the surrender of an authority. Clause 62 provides for the issue of duplicate copies of authorities. Clause 63 prohibits misuse of authorities.

Clause 64 makes provision with respect to the holding of authorities by partnerships. Clause 65 requires the Director to keep a register of authorities and to make it available for public inspection. Clause 66 provides that where a person is convicted of an offence involving the taking of fish, the court shall, in addition to imposing any other penalty prescribed by this Act, impose a penalty equal to five times the amount determined by the convicting court to be the wholesale value of the fish at the time they were taken, or $10 000, whichever is the lesser amount.

Clause 67 contains evidentiary provisions. Clause 68 provides that it shall be an offence if a person furnishes information for the purposes of the measure that is false or misleading in a material particular. Clause 69 provides that, where a body corporate is guilty of an offence, every member of the governing body of the body corporate is guilty of a similar offence unless he proves that he could not by reasonable diligence have prevented the commission of the offence. Subclause (2) makes a principal liable for an offence if his agent commits an offence while acting as his agent. Subclause (3) makes the holder of a fishery licence guilty of an offence if his registered boat is used in the commission of the offence.

Clause 70 provides that proceedings for an offence against the measure are to be disposed of summarily and may be commenced within 12 months of the day on which the offence is alleged to have been committed. Clause 71 provides for the service of documents. Clause 72 provides for the making of regulations.

Mr KENEALLY secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

EVIDENCE ACT AMENDMENT BILL (1982)

Received from the Legislative Council and read a first time.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Second reading.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I move:

That this Bill be now read second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The South Australian Ethnic Affairs Commission Act presently provides that one function of the Commission is to provide services (including interpreting, translating and information services) approved by the Minister to ethnic groups. This function is stated rather too narrowly because, while the Commission does provide interpreting and translating services for ethnic groups, it also provides interpreting and translating services for the courts, Government agencies and instrumentalities and the general community. The present Bill accordingly removes the reference to ethnic groups from the relevant provision (section 13 (1) *(e)*) of the principal Act, thus extending the ambit of the function as stated in the Act so that it accords more accurately with the functions actually undertaken by the Commission.

Clause 1 is formal. Clause 2 removes the reference to ethnic groups from section 13 (1) *(e)* of the principal Act.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the Legislative Council's message intimating that it had insisted on its amendments to which the House of Assembly had disagreed.

The Hon. H. ALLISON: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Mr McRAE: This matter has been before the Chamber so often that I merely restate the Labor Party's position as it has been stated before and reported in *Hansard*.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Allison, Ashenden, Crafter, McRae, and Mathwin.

BRANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2155.)

Mr LYNN ARNOLD (Salisbury): The Opposition supports this Bill. We have discussed this matter at great length and considered all the ramifications of the Bill, because we did not wish to proceed speedily to a situation that could be fraught with danger or in which amending legislation would be necessary at a later time. We do not wish that to be the case.

The Hon. W. E. Chapman: There are no grounds on which to suggest that.

The DEPUTY SPEAKER: Order! The member for Salisbury has the floor.

Mr LYNN ARNOLD: I do not know that that is entirely the case, when we consider the Minister's reaction. This Bill seeks to change one of the directions of the Brands Act in terms of the manner of approach. Previously, the Act applied to the identification of animals according to the owner, whereas the Bill seeks to alter that in regard to a certain category of animal so that a particular animal can be identified rather than its owner. Indeed, I understand that that is a result of submissions from the Australian Trotting Council and the South Australian Trotting Control Board.

The Minister may be able to tell the House whether or not this Bill is complementary with legislation in other States or, if it is not, whether other States have taken the same course of action previously. If that is the case, how is the legislation working in its dual approach to branding? The Bill also deals with the issue of branding of animals or cattle that are moved from tuberculosis and disease infected areas, requiring that they be permanently so identified. It also deals with the branding of heterozygous sheep. These are issues with which the Opposition can find no cause for complaint.

I do not wish to take up the time of the House on this matter. It would perhaps have been interesting to study the different styles of brand that are printed each year in the *Government Gazette,* because many of them are very artistic. It might have been quite useful to do that in terms of a study of the art of branding, especially as this is the Festival year. We could have made a very useful contribution to the Festival of Arts. Perhaps there could have been a display of brands as the Parliamentary contribution to the Festival, because I believe that we should not forget that we live in a society of many facets and we should not want to be so pedestrian as to ignore the cultural impact of what we do. The time may come in future centuries when brands are part of the cultural study of our society.

The Hon. D. C. Wotton: This is an interesting speech.

Mr LYNN ARNOLD: It is a point that could be further developed. I would not mind betting that there may come a time when the Arts Advisory Council may provide funds for someone to write a book on the development of brands. I do not intend to delay the House any further. These amendments have been requested by the industry, and we accept them. We endorse the Bill.

The Hon. W. E. CHAPMAN (Minister of Agriculture): The member for Salisbury asked whether this new style of branding had been adopted in other States, but I am unable to give him an answer on that subject. Indeed, I will let the honourable member know directly I ascertain the position. Without recapping the appropriate details that were incorporated in the second reading explanation or without seeking to prolong the debate in any way, I can say that the Government appreciates the support given to this measure by the Opposition. We recognise the research that the member for Salisbury has done in preparation for his address to the House this afternoon, and we accept the comments he has made and the support he has given to the Bill. We wish the Bill a speedy passage through this House and the other place.

Bill read a second time and taken through its remaining stages.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 December. Page 2549.)

Mr KENEALLY (Stuart): The Opposition intended to support this measure but, because amendments have been circulated that have what I believe to be a significant impact on the intent of the Bill, the Opposition is now in some doubt as to exactly what action it should take.

Mr Millhouse: You had better make up your mind pretty quickly.

Mr KENEALLY: If the member for Mitcham is patient he might find out just exactly what the Opposition intends to do. We will be requesting the Minister not to proceed with this measure beyond the second reading stage so that we will be able to refer back to those people within the industry so that we can be briefed as to the impact of those intended amendments to enable the debate in this House to be more relevant to the measure before us. I am led to believe that the Minister will accept our request. Before the member for Mitcham departs from the Chamber he can be assured that, if he comes back at some time when the House reconvenes, if he finds time to be here, he might be able to take part in the debate.

The ACTING DEPUTY SPEAKER (Mr Russack): Order! I would ask the member for Stuart to come back to the matter before the Chair.

Mr KENEALLY: Certainly, Sir. I do not think anyone objects to the intentions of this measure. We in South Australia must be absolutely clear that we should take every action necessary to protect our waters and our marine environment from pollution. Because at the moment, under the present legislation, there is some doubt and difficulty concerning laying the blame on certain parties, the Government has found it necessary to introduce this Bill. I think it appropriate that I read from the Minister's second reading explanation. He stated:

> The major amendment contained in this Bill is intended to clarify the extent of the defence provision that may be available to a ships agent or master under sections 7c and 7d following a discharge of oil. Those sections provide a defence where a spill is caused by someone who is not a servant or agent of the defendant. Of course, the master and crew are not servants or agents of the ships agent, and the crew are not servants or agents of the master. It is the practice in the majority of oil spill incidents that the agent of the ship is charged with an offence under section 5 of the Act. As both the owner and master of the ship are overseas residents, it is impracticable to serve a foreign owner or master with proceedings. It is crucial to the effective operation of the Act to maintain a charge against the agent. If the agent is able to escape conviction by showing the owner or master to have caused the spillage then insofar as the Act attempts to rest liability on the agents, its operation will be rendered nugatory.

Amendments have now been circulated which seek to remove reference to the agent in this legislation. However, the second reading explanation states in the first paragraph that it is crucial to the effective operation of the Act to maintain a charge against the agent. That in itself creates a confusion that I am sure anyone in this Chamber would agree needs to be clarified. Because this is a complex Bill, before the Opposition is called on to debate the Bill again, I ask that the Minister provides an officer from his department so that these more technical matters can be discussed with the Opposition.

I have had discussions about the Bill with officers from the Merchant Service Guild, which represents master mariners and all other interested parties. The first reaction of the guild was that the Opposition ought to oppose the Bill, because it was very concerned that this measure would place the legal responsibility squarely on the master, and in cases where the State Government was to take action it would be the master who would be subject to our courts. I have been informed by the guild that any master who has two criminal charges proven against him loses his ticket. There are areas that I would like to discuss with the department, because it seems a reasonable concern on the

part of masters that if they have two convictions they are deprived of their livelihood.

I know that obviously there are other points of view. I am interested to know whether the Minister has had discussions with the Shipping Officers Association, which I understand is the union, if you like, for shipping agents. As the provision concerning agents is to be deleted, it is my suspicion that perhaps such discussions have taken place. It is not unreasonable to believe that a master of a ship ought to be the responsible authority; one would expect that masters are always covered by the ship owners, so that, if any charge is proven against the master and results in a heavy fine, it will be covered by the owner.

The Opposition understands the difficulties that the Department of Marine and Harbors would have in trying to track down an owner who might be able to be identified only as a box number in Moravia, the Cayman Islands or some other obscure place where many shipping companies like to register their craft. Obviously, there is difficulty there for the Department of Marine and Harbors, which may want to prosecute a company or an owner of a vessel for an oil spillage.

Also, the Opposition appreciates the difficulty that agents might find themselves in who merely act for the shipping companies and who probably make only 10 per cent, 12 per cent or 15 per cent in costs. I am not too sure what the payment is. I can understand the agents' concern that they themselves might be legally responsible for costs incurred in actions relating to oil spillages. The critical concern that we all have is that action should be taken promptly against vessels that damage our marine environment by way of oil spillages, etc., and that prompt action should be directed to the appropriate body, which we would all expect to be the owner or the shipping company.

Because of the concern that I have expressed about what seems to be an absolutely contradictory series of amendments that we have now had placed before us, and having regard to the weight the Minister gave to the need to be able to charge agents, the Opposition, I think understandably, is rather confused about what the Government is seeking to do. Rather than holding up the debate in the Committee stages until the Opposition has had time to discuss this matter further with departmental officers and with the Merchant Service Guild and other bodies that have a vital interest in this measure, I ask the Minister to give an assurance that he will take this measure as far as, say, clause 1 in Committee so that the Opposition and the Parliament is then able to further research the matter in order to fully understand it and, hopefully, as a result of that, give its support to the measure. The intent of the measure is sound; we are just now placed in this invidious position of not really understanding what the Government is about.

I conclude by saying that initially we intended to support the measure. We have had to draw back slightly from that position because of the Government action, and we are seeking the Government's assistance in further research that may result in our giving the measure the support we originally intended.

The Hon. D. J. HOPGOOD (Baudin): My reason for entering this debate is to highlight to the House the problems that occur in a part of my district as a result of oil spillage. As members will know, there are really three significant concentrations of shipping, loading and unloading activity in South Australia; the main one of course is associated with the Port Adelaide Estuary (Outer Harbor and Port Adelaide), another is in the Streaky Bay-Penong area of the West Coast, and the third is at Port Stanvac. As the Parliament will well know, I am an incorrigible collector of information from the newspapers and from answers given by Ministers in this place, and from what I have been able to collect I have put together a list (I am sure it is by no means exhaustive) of incidents that have occurred resulting in spillages which have come to the notice of the Government or the newspapers since 1977, and it is a disturbing trend. For example, we find in *Hansard* that the B.P. *Endeavour* was involved in an oil spill at Stanvac on 29 November 1977. In *Hansard* of 13 October 1979 it is stated that a ship called the *Afrodite* (spelt that way) was involved in an oil spill on 20 July 1978. That information was given as a reply to a question I had put on notice.

The *Mobil Australis* was involved in an incident on 10 March 1979. Again, I received that information as a result of a Question on Notice. According to a newspaper report, a boat named *Creedie* was involved in two spillages on 13 October 1979. No name was given to the ship that was involved only a fortnight later, on 28 October 1979. The *Mobil Acme* was involved on 18 November 1980, and the *Yanbu* on 11 October 1981.

Many years ago I walked the coastline of what was then my district, and I noted at the time that the rocks along that coastline immediately north of the Stanvac oil refinery were coated with a black substance. I did not at the time take specimens, as I guess I should have done, because it is possible that it was some form of marine algae. It is also possible that it was the result of successive years of staining from oil carried north from the refinery by long shore drift, although, as the Minister will be well aware, often purely local conditions carry it to the south. That was the situation that occurred in the most recent spill in the area which brought a good deal of adverse comment.

When we are looking at our capacity to control this problem we are really looking at two things: we are looking at how well organised we are and, secondly, we are looking at the equipment which is available to us in order to meet the problem. A question was asked of the Minister's colleague, the Minister of Environment, in 1980, and he answered that question and then later sought leave to make a Ministerial statement arising out of it. The question had been asked by the member for Semaphore, and the Minister proceeded, at page 2343 of *Hansard* of 1980, to say:

> As I said at the time, South Australia has excellent equipment, and members will appreciate that we have a national plan in regard to the problems of oil spills. Although South Australia is a part of the national plan, along with other States, we were not satisfied that the Commonwealth had suitable equipment for its area of responsibility. As a result, I am informed by my colleague that the Department of Marine and Harbors obtained in May this year equipment valued at $172 000. It consists of two oil booms and associated oil equipment suitable for use in open-sea conditions as well as in sheltered harbors.

He then went on to talk about a giant troil boom and destroil skimmer, imported from Sweden, a slick bar boom and a slick skimmer imported from the United States. What I find very interesting about this is that that was in 1980 but, as is well known, the most recent spillage in the area was controlled by aerial chemical spraying. No reference was made to the deployment of that equipment. Maybe because it was in the Port River or somewhere else and could not be got to the site in time.

From what I have been able to reconstruct, that spill arose from the fact that a tank was filled too quickly. There are vents which allow the escape of air, without which the oil would not run in, but in fact because of the overly quick method by which the people undertaking this project attempted to fill that tank the oil spurted out through the vents. It went all over the place and, before we knew it, it was threatening the beaches to the immediate south of the refinery. It is clear from the illustration that I have given that whatever the nature of the technical equipment that

have available to us it is not always possible to deploy it in a way that we would like to do, and therefore less satisfactory methods sometimes have to be brought into play.

The October 1978 issue of the magazine *Habitat Australia* featured an article by Michael Harwood. It was entitled 'The Present Age of the Oil Spill', and I would commend that article to members. He talked about various ways in which this matter could be controlled. One was by containing the oil, but he is able in this article to confirm what the Select Committee into the Stony Point development was told by officials of the Department of Marine and Harbors, that once water is running containment by the normal boom method or the picking up of the oil is just not possible. The article states:

> After only nine years of development, this skimming equipment—most of it small and of low capacity—has proved itself moderately effective in sheltered waters. But even the best of the skimmers are not much use when the waves are higher than four or five feet.

You can try to make it go away usually by using some material which wili allow the material to sink where bio-degradation occurs or by dispersing the material, but the point is made that these usually chemical means of doing this are often worse than the problem you are trying to clear up. They can often have a high toxicity and the ecological effect of high toxic dispersements is greater than the impact of the oil itself.

As for burning the oil, the problem is that when oil is floating in water you cannot always reach the ignition temperature consistently to allow combustion to proceed. The matter of biological clean-up—the matter of using oil-eating micro-organisms, perhaps developed as a result of work on recombinant D.N.A. technology—is of course very much in its infancy. We have a long way to go before we are in a position to be able to do much there, despite the fact that from an ecological point of view possibly this is the most promising approach.

He goes on to say that it is probably true that in some cases of oil spill it may even be better to leave it alone—that that is the least evil of the lot. He makes the point that the United States of America has 10 000 oil spills a year and 80 per cent of those are less than 100 gallons. I will not go on. My colleague has already indicated the approach which we as an Opposition are making to this measure. I simply make the point that there is no guarantee at this stage that the passage of this measure really will do too much to resolve the on-going problem that we have at Port Stanvac.

If the Government is prepared under the legislation to get tough then maybe some sort of deterrent effect will come into play, but there seems to have been precious little deterrent exercised up to now. With the qualifications which my colleague has placed on this matter, and speaking purely to the original Bill as we have it before us, we support the matter, but we make the point that strong administration will be necessary under the legislation if it is to have any effect.

Mr HAMILTON (Albert Park): As indicated by the member for Stuart, we will be waiting on assistance from the Minister to provide an officer to supply additional details on the amendments proposed by the Government. There are some sections of the industry that believe that the legislation is inadequate. By 'inadequate', they believe that the Bill is headed in the wrong direction; in fact, they believe that it perpetrates the existing problems and that the legislation should be directed more to the guilty and not to the causation factors.

It has been stated the cost of laying up a ship for repairs could be up to $20 000 a day because of faulty equipment, and that could result in a loss of contracts worth millions of dollars. It has been put to me that there are those shipping owners that would prefer to pay a fine rather than have their ships laid up for a number of days during which they lose these contracts. So, I would be looking for some response from the Minister in regard to that matter.

Whilst not wanting to delay the House, I think there are a number of matters that should be detailed in *Hansard* concerning the problems of spills in South Australia, and I have taken out some figures. Between 1 April 1977 and 17 November 1981 there were 53 cases of oil spillages along the South Australian coastline. On 30 of those occasions the ships involved did not report the oil spillage. On 20 occasions the ships involved did not report the quantity of the oil spill, and on 18 occasions over this period the amount totalled approximately 24 500 litres of oil. On 10 occasions the area covered by oil spillages were as follows:

1. 20 metres by 5 metres;
2. 100 metres by 3 kilometres;
3. 30 metres by 20 metres;
4. 1.5 kilometres long;
5. 500 metres by 50 metres;
6. 5 nautical miles by 1 nautical mile;
7. 1 kilometre by half a kilometre;
8. 20 metres by 14 nautical miles;
9. 1 kilometre by 1 kilometre;
10. 1.5 nautical miles by one-quarter of a nautical mile.

As my colleague the member for Baudin has pointed out, quite clearly this is a matter which can have a disastrous effect upon the coastline and the ecology of South Australia. When one peruses Federal *Hansard* of 16 February 1982, it raises a number of questions in one's mind as to the type of oil spillage equipment available in South Australia. At page 191 of 16 February 1982, House of Representatives *Hansard* reports a question asked by Mr Humphreys, as follows:

> Is any equipment presently held by the National Plan designed to be effective in handling oil pollution in rough seas; if not, will he take steps to have suitable equipment purchased and added to the National Plan equipment holding?

The reply by the Federal Minister, Mr Hunt, was as follows:

> In rough seas, oil spillage is generally dissipated by wave and wind action. Equipment presently held by the National Plan is designed to be most effective during moderate weather conditions. Devlopments currently taking place overseas in equipment technology are being closely monitored. Should suitable equipment become available for use during adverse weather conditions, then its procurement will be considered.

I would certainly like a response from the Minister on that matter.

The Hon. W. A. Rodda: I missed the first part of your statement.

Mr HAMILTON: I was asking about the type of equipment that is currently available in rough seas. Is it adequate or is it in line with the National Plan? There are a considerable number of issues on which I think, after we resume in a fortnight's time I will be asking questions of the Minister. Of course, one involves the amount of stockpile of oil dispersal, pollution control and recovery equipment here in South Australia, and I shall be asking whether the Minister believes it needs upgrading, whether it is sufficient to cope with rough seas, and how effective it may be. As I said, I do not want to delay the House, but this matter is one of concern to me, because part of my electorate takes in the coastline, and I am very cognisant of the feelings of my constituents, particularly in the Tennyson and West Lakes areas, regarding any pollution that may occur along that part of my electorate, in particular, and along the entire South Australian coastline in general.

Mr WHITTEN (Price): As the member for Stuart has said, we did intend to completely support this Bill, but now we have some doubts, because the Minister will recall that he did make officers available to have discussions with the

Opposition in early December, when he said that it was necessary to amend this Act to ensure that the agent was able to be caught up with. It now appears, from the amendments that have been circulated (I will admit that I do not fully understand them, and this is why I find some confusion), that the agents will not be the people who are picked up immediately. That is a matter of some concern, because we were told that this was the purpose of the amending bill.

The member for Albert Park said that from 1977 to 1981 there were 53 spills. However, I am concerned about the last spill from the *Esso Gippsland*, which happened at the latter end of January this year. I thank the Minister for making available his officers late last year to discuss this matter. The second thing that is emphasised by those officers is that, if any delay occurs in the passage of the Bill and a spill should occur, it would not enable the Government to apprehend the agent concerned. On Friday 24 January there was a spill from the *Esso Gippsland*, and quite a deal of oil got away. I believe, from inquiries I have made, that perhaps the rate of loading on to the *Esso Gippsland* may have been of a high nature and that perhaps she was not bedded sufficiently. Therefore, a large spill took place as a result of the rapid intake of fuel oil that went on board.

I believe that the *Esso Gippsland*, which has been in operation for about 11 years, does not have a good record, and that it is not as efficient as are some other ships. It appears that ship owners are not so willing to lay up their ships and to install therein the equipment that should be installed to prevent spillages therefrom. I am also a little concerned about the penalties involved. I might perhaps want to be a little tougher than the Minister. A maximum penalty of $50 000 has been set, but that is not a great deal when one considers what it costs to lay up a ship and have it brought up to an efficient standard. I believe that it costs more than $20 000 a day to lay up a ship and, if those concerned can get away with less than the maximum fine, it pays them to keep on letting the spills go, so that they save this money. I do not think that that is a good course of action.

I believe that the maximum penalty should be higher, and that the Bill should compel shipowners to have efficient equipment at all times, particularly when they are loading or discharging fuel oil or, indeed, any other oil. I believe that the penalties should be directed to the cause more than to an individual, whether it be the master or a seaman. Unfortunately, it always seems that a seaman or someone else forgot to turn off a cock, or something like that. I certainly agreed initially, in relation to this Bill, that the authorities should catch up with the agent.

I also bring to the notice of the House and the Minister my belief that much of the time misleading information is given in the press. I say this in relation to the last oil spill from the *Esso Gippsland*, in relation to which a report appeared in the Saturday's press. It was reported that there had been a spill from the *Esso Gippsland* on the Friday night, that it had all been cleared up and that there was no more worry. In fact, in the Saturday 25 January 1982 issue of the *Advertiser* the headline was 'Oil kept off beaches'. That report stated:

An oil slick off the mid South Coast of South Australia was dispersed by aerial spraying on Saturday afternoon.

The report went on to state that the oil slick was 400 metres wide and 1 km long and that it had come from the hold of the *Esso Gippsland*, which had been loading bunker fuel from Port Stanvac on the Friday night. The next report on 26 January (the day after) was as follows:

More than 50 men were due to start clean-up operations at first light today along beaches south of Adelaide after reports of oil washing ashore.

The action follows oil complaints by swimmers and surfers at Seaford, Moana and Maslin Beach yesterday, three days after a major oil tanker spill at the Port Stanvac Refinery.

The next report was on Wednesday 27 January. One must remember that this spill occurred on the previous Friday. That report, headed 'Questions on oil spill', was as follows:

The master of the tanker *Esso Gippsland* will be interviewed by Department of Marine and Harbors officers over an oil spill off popular surfing and swimming beaches south of Adelaide.

Up to 80 workers were involved in a beach clean-up which began early yesterday at Seaford, Moana and Maslin Beach. Today, the clean-up will spread to Port Willunga.

I am concerned about what will happen if we remove the provision enabling the agent to be charged. This clean-up took place three, four or five days after the spillage occurred. It is possible that, if an agent cannot be charged, the master will have sailed the ship away from Port Stanvac. Therefore, it would be outside our waters, and, in those circumstances, who would be charged? I hope that the Minister will be able to tell us this.

I understand that officers will be made available to the Opposition to explain the matter to it. I hope that all those matters can be resolved, because the Opposition's major concern is, first, that we do not pollute our gulf and beaches; secondly, that we can take the right and proper action against those persons who cause a spillage; and, thirdly, that we can get proper compensation from the agents and persons responsible. I am very much concerned that, if we do not have some provision in our Act so that we can catch up with the agents, this State will be the worse off.

Mr PETERSON (Semaphore): I wish briefly to enter the debate. It concerns me considerably that this Bill has been presented by the Minister of Marine and that, on the very day that we are to debate it, we are hit by a series of amendments to be moved by the same Minister. This shows either that something was wrong originally or that the work was not done correctly in the first place. This course of action should not be necessary. Also, it has not given the Opposition much time to investigate the reasons for the amendments or to examine the Bill in relation to the principal Act and to see what difference it makes.

In his second reading explanation, the Minister said that the major amendment in the Bill was intended to clarify the extent of the defence provisions that might be available to ships' agents or masters under section 7 *(c)* or section 7 *(d)* following the discharge of oil. It seems to me that this may be a back-down on the original intention of the Bill.

The seriousness of spills is undoubted. The Department of Marine and Harbors is extremely concerned about this matter and, indeed, has spent, according to its report for the year ended 30 June 1981, about $250 000 on equipment to clean up these spills. It is stated in that annual report that there were four oil spills, all of which were investigated, yet only one offender was prosecuted. By the way, that report does not coincide with information that has been provided earlier. In reply to a question asked last year, it was stated that there were considerably more spills. In fact, on 19 August 1980 a quantity of 318 litres of oil was spilt; on 12 and 13 September 1980 the quantity spilt was unknown; and on 18 November 1980 a total of 7 950 litres was spilt.

On 14 November 1980 less than 159 litres was spilt. On 17 December 1980 they did not know how much was spilt. On 16 December 1980 less than 159 litres was spilt and on 24 January 1981 less than 159 litres was spilt. That indicates that there is a continuing situation. If it is less than 159 litres there may be some procedure to amend that. The situation still arises where the oil is being spilt into the water. I am referring to Port Stanvac only. To my knowledge, there have been oil spills in the river, and at Outer Harbor

at the Amoco terminal. It has not been reported in any great depth but they do take place.

Apart from the cost in cleaning up these spills, we have a dispersant being used to combat the spills. In answer to the previous question, the Minister of Marine provided details of the dispersant, BP-AB, being used. In the first instance, 400 litres of dispersant was used; in the second, 3 780 litres; in the third, 29 520 litres; in the fourth, 400 litres; in the fifth, 100 litres, in the sixth, 600 litres and in the seventh 200 litres. It is at great cost to the State. In fact, the annual report of the Marine and Harbors Department states as follows:

> Officers are very actively involved with the National Plan to Combat Pollution of the sea by oil and are responsible for the training of suitable personnel for the operation of the oil pollution containment, recovery and clean-up equipment. A group of departmental employees has been trained in oil pollution combat techniques for the protection of the marine environment.

That should be and there always will be accidental spills of oil. In fact, the tankermaster for Shell was quoted at one stage in the newspaper as saying that he believes oil spills are inevitable. That is a fact of life. Oil spills are inevitable. Where there is a cost to the State, there should be some recovery mechanism set up in the legislation. There have been cases of avoidance of meeting the expenses required to clean up spills. Even in the Marine and Harbors Department report a statement says that only one out of the four they reported had to be taken to gaol and fined $5 000. We must look at this seriously as it is an ongoing thing. The damage to the marine environment is unkown. It has not been assessed properly. The oil itself is recognised as a danger to the marine environment.

The report of the House of Representatives Standing Committee on Environment and Conservation contained a section on oil spills, including prevention and control of oil pollution in the marine environment. The report spells out very clearly that oil spills are a danger to the environment and also that great expense is involved in the clearing of these spills. I am not convinced that this Bill (and I hope the Minister can explain when he replies) as it has been amended by the second amendment—

The SPEAKER: Order! We are not referring at this juncture to amendments. We are talking of the Bill at the second reading stage.

Mr PETERSON: The Bill itself is adequate. If it is passed as it is, it seems the responsibility is laid fairly and squarely at the feet of the agent. Somebody must be responsible. That would seem to be reasonable, taking into consideration the comments made in the second reading speech about the difficulty in taking any action against overseas masters or owners. I wait with interest for the Minister's comments.

The Hon. W. A. RODDA (Minister of Marine): I thank the five gentlemen who made contributions to date. I think the general tenor of the debate points up what a complex and important question it is. Once we get on the high seas we meet complexities. The sea goes where it will and what is spread upon its surface will go where the sea takes it. Great concern has been expressed about the agent. There are three principal components in the Bill: first, that the owner of the vessel who sent it here for profit or reward; secondly, the master who brings it here; and, thirdly, the agent who organises its coming or going. Indeed, each is dependent upon the other.

I will refer to all points made, including those of the shadow Minister. He said that he wanted action taken properly and I commend him for that. He believes that processes should be directed against the corrected source to see that we are able to direct him to that source for the responsibility of paying. The honourable member hit upon the nub of the argument. He said that the Opposition was confused. In short, he sought assurance from me that we would provide for any member expert opinion by officers, and we will be pleased to do that.

The member for Baudin talked about the three significant concentrations of oil in this State and about the Port of Adelaide, the Far West Coast, and Port Stanvac. Port Stanvac is a vital port for this State because we have our refinery there and it is the fountain of our energy. He said he was a collector of incidents and he highlighted them. We acknowledge that. He questioned me about the paradox of control and what equipment is available. He talked about the off-shore drift and what he observed to be happening in his electorate with the adherence and build-up on the natural shoreline that graces the boundary of Baudin.

The member for Albert Park made a pertinent point about the condition of the ships that come here. If it was laid out at a cost of $20 000, so be it. It is a good thing for Port Stanvac and South Australia. That was the thrust of what the honourable member said. It is a good point, because the last thing we want are tramps coming in here in rough conditions, discharging their freights, and causing problems for us. He wanted some assurances on the type of equipment we have.

The member for Price thought that the maximum penalty of $50 000 was too little. The member for Semaphore seemed to think that the agent should not be let off the hook. The amendments are in relation to letting them off the hook. They have made approaches to the department and me about their place in this triumvirate.

The member for Semaphore was concerned about the series of amendments, and I believe he chided the Minister for not doing his homework before introducing the Bill. The member for Semaphore has demonstrated some perspicacity during the two years in which he has been in the House, and perspicacious members are always welcome. That is the general thrust of the Bill.

I believe that we are all sorry to hear that the member for Florey is sick and unable to take his place in this debate. The Government wishes him a speedy recovery from his illness. The honourable member was concerned about my referring in the second reading explanation to the master and the crew. While it had to be mentioned in legal terminology, there is no intention to put the crew over the barrel (in sailors' phraseology). This hinges around the three people—the triumvirate of the master, the owner, and the agent. We held off and made people available for discussion, and that point has been highlighted by the member for Price.

We had some trouble with the Chamber of Shipping. We then ran into a problem in regard to the agent. Agents do not own ships; they arrange trips and the responsibility lies very properly with the owner and the master, who is beholden to the owner. I highlight in the best of faith that the vessel may be from a foreign port, from Moravia, flying the flag of convenience. This is causing some problems in the Australian shipping scene at present, because the ship sails away and I can well imagine the agent being somewhat apprehensive because he has to pay his bills. If he is faced with a compensation claim and if he is unable to locate the owner, he is in difficulty.

I am not unaccustomed to strong, vigorous representations, as were made in this case. The member for Stuart and some of his colleagues, I believe, have made some representations, and they have been very successful.

Mr Keneally: What about the fishermen?

The Hon. W. A. RODDA: Yes, in that hallowed area of benign suburbia—Port Augusta, and if the honourable member wants a bit of strength, he can come down the coast a bit from there. The worthy mayor of that district

can put her case strongly and with great verbosity and effect. We are not unaccustomed to undergoing that sort of thing. We have had very strong and vigorous representations from the Chamber of Shipping. While I know it is beyond the ambit of this stage of the debate to talk about amendments, I point out that the general thrust of the argument has been that the agent wants to preserve his place in the sun. He does not want to sail down the river with the rest of the flotsam and jetsam that is causing so much trouble.

The amendments have run the gamut of long discussions and close examination. Lawyers have considered the matter, and I am sure the Bill will solve the problems in the industry. If necessary, we can place the hard word on the owners of ships that are polluting our waters. Heaven knows, when one hears about the 53 spills, as was highlighted by the member for Baudin, the member for Semaphore, and the member for Albert Park and about the most recent spill of 24 January, I know that members will be pleased to know that the Department of Marine and Harbors has launched prosecutions against the vessel for what happened. Some peculiarities surround that situation in regard to the spills that surfaced. Those are the peculiarities that come from this area of lubritoria. We are grateful for lubritoria, but when it comes in these forms it causes environmental problems.

The thrust of these amendments will be to absolve the agent from direct processing, and when the master sails away to Moravia or another far distant port, the Bill is so designed that the agent can still receive the process and we will be able to enforce the provisions. In this far-flung world with agents getting from A to B quickly, the matter can be processed and executed. The honourable member asked for an assurance, and I will make available officers for discussions. We will proceed to the Committee stage and we will make arrangements for discussions. I understand that the member for Albert Park or his secretary spoke to one of my officers. I would like people to make those arrangements to suit themselves so that when we come back on 23 March we can amicably pass the Bill, which is necessary. We do not want to be on television, and we do not want the Minister to be upbraided and everyone else to get bashed around.

I thank the members who have spoken in this debate. I may not have been quite specific in regard to oil spills. The member for Albert Park wanted to know whether these provisions would be operative in rough waters. The equipment in the Port of Adelaide was taken to the major spill that occurred in Queensland a few months ago; if Queensland wants something from South Australia, it must be good, because South Australia is usually downgraded. The equipment is good and it is costly. Mention was made of $250 000 in relation to a period of one year, and that sum has been added to. When there is a rough sea anything can happen. We will be pleased to make available the expertise from the Department of Marine and Harbors, and, with the secretary of the committee, I have set in motion liaison in this matter. If, on the morning of the debate, we can supply information about anything that might happen in the interim, we will do so.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

The Hon. W. A. RODDA (Chief Secretary): I move:

That the House do now adjourn.

Mr TRAINER (Ascot Park): I want to speak about a couple of issues in relation to my electorate. The first of these is something that might at first glance seem rather trivial, but I can assure honourable members that it is very serious to the children of the school concerned. It relates to a matter on which I have made repeated representations to the Government but have had very little response, and I refer to some facilities at the Ascot Park Primary School. I addressed some correspondence, on behalf of the school, to the Minister of Public Works on 17 June last year, as follows:

> I write to you regarding a matter concerning some work, carried out in a school in my electorate, the responsibility for which would appear to come under your portfolio as Minister of Public Works. In 1979, the cricket practice nets at Ascot Park Primary School were moved, at the request of the school, from a location near the school buildings to the far north-western corner of the grounds, with work being let out by the Public Buildings Department to a private contractor.

That job was very poorly done. Apparently, the ground was soft and wet when the pitch was laid and, as a result, not long afterwards the concrete sagged and the bituminous malthoid cover over the cement has been useless. This material is cracked and bubbled and the surface is now made up of bumps, cracks, ridges and hollows, something like a lunar landscape. My letter continued:

> It was apparent immediately after their construction that the workmanship in the concreting and surface treatment was substandard, and this was pointed out at the time to the regional office of the Education Department, and they have been reminded at periodical intervals ever since. Apart from general assurances that the matter would be investigated in due course, there has been no action.
>
> The School Council is concerned that the present state of these nets represents a real danger, in that differential subsidence of the base slabs has caused sudden changes in pitch level, with very erratic behaviour of the ball. Needless to say, this makes the nets virtually useless in training beginners in gaining confidence.

I might also mention that adults find the pitch quite useless. The adult cricketers who hire the oval on weekends refuse to use the practice nets on the basis that they are useless. But these practice nets are worse than useless—they are dangerous. Children of 10 or 12 years old, who are only gradually developing the dexterity and skill they need for managing this particular sport, can find it difficult enough to judge a ball bouncing off a smooth surface, let alone a cricket ball bouncing off a pitch that is like a lunar surface. It is rather strange that our society should be so concerned about the hazards for professionally skilled batsmen in World Series cricket or Test cricket, people who have experience and skill and for whom we insist that they have the highest standard of pitch to prevent them from being exposed to any danger, yet we seem to be prepared to accept that children in the circumstances that I have outlined should be exposed to this hazard. I concluded my letter by saying:

> On behalf of the school, I am bringing this matter to your attention with the expectation that the problem can be rectified before the commencement of the cricket season later this year.

I remind members that that was June when I first directed that correspondence to the Minister. The reply did not come from him until August, and it was expressed in very vague terms. As a result, following further representations from the school council, which was very disappointed that nothing had happened before the cricket season commenced, I wrote again on 22 February. In that correspondence I quoted from my original letter to the Minister and I also quoted his reply. I concluded by pointing out that there had been no action and that apparently there had been no further correspondence from the Minister. I said:

> Furthermore, there has been no progress whatsoever and the summary of minor works programmes under consideration at the school which has just been received makes no mention of the nets at all. The Chairman of the School Council advises me that the

state of these facilities is extremely dangerous, the coaches have completely discounted their value as teaching aides, and it is only a matter of time before a serious injury occurs. Should this happen, I would consider the Government responsible.

I sent copies of that correspondence also to the Minister of Education and to the Regional Director of Education. I draw members' attention to the words that I used at the end of the letter, namely, that it would be only a matter of time before a serious injury occurred, and that I would consider the Government responsible. Well, on Monday night that serious injury almost occurred. A son of a constituent was twice hit in the face by a cricket ball. He received a bruise the first time and, after bravely persevering and batting on, he was hit again, receiving a cut lip. The ball could very easily have broken his glasses with quite drastic results, not to mention the extreme costs that could have been incurred with orthodontic treatment or dental surgery, and so on, if he had had his teeth broken, instead of receiving only a cut lip. The system that we have in our society for providing any form of compensation for injuries received by children at school is inadequate. Admittedly, there is some voluntary cover at a cost of about $15, but that is only for a certain maximum sum which is rather minimal if required to cover medical costs. But there is no compensation in the normal sense, as applies to workers compensation.

Apart from that matter of the injury that may or may not be incurred and the compensation that apparently is very rarely available, unless negligence can be proven, it is outrageous that the school, the council and above all the children should have been treated so off-handedly by the Minister, and I would call on him to take action on that matter as soon as possible.

The other matter that I want to raise in relation to my electorate concerns the general problem of noise in the semi-industrial area between the railway line, South Road and Daws Road at Edwardstown. There seems to be a whole series of problems arising from the incompatability of adjacent land uses. If one looks at the zoning map for the area, one finds that the border between light industrial and residential zones zigzags all over the suburb, down narrow streets, along side fences between adjacent properties, down back fences, and so on, so that people who may be located in a residential area can, nevertheless, have a very noisy factory alongside their property.

I have a very thick file of constituent problems all flowing from this matter, many of them unresolved after my working on them for a year or more. I have been successful with some, but with many it would appear that the appropriate legislation lacks the teeth that is required for the noise control unit to take appropriate action.

The biggest problem at the moment is concentrated in the Midera Avenue area of Edwardstown, in particular in relation to a Polish couple called Dzwonkowski, who are located with a factory immediately alongside them and behind them. When they moved into the area many years ago, there were vacant blocks around them. When zoning was introduced in 1971, part of the street was zoned residential and part of it was zoned light industrial. I am not criticising the Marion council, which I consider to be one of the best local government bodies in South Australia, but the Marion council's only method of notifying residents at that time was to put an advertisement in the press and to put something up on the billboard of the council chambers. Nowadays, particularly with consent use, such bodies take much more care to make sure that people are aware of these changes.

The first thing that the Dzwonkowski's knew about the Quickfix furniture factory next door to them was when it was erected. They have been treated in a most cavalier fashion by the management of that firm. There are a whole series of things that I could outline to the House, but unfortunately there is not sufficient time, and I will have to leave that to another occasion. The most outrageous thing is that a compressor is situated 2 metres or 3 metres away from the Dzwonkowski's back fence. The noise from that compressor is such that it is impossible to watch television or to speak to anyone on the telephone unless the windows and doors are firmly closed. It is out of the question for the Dzwonkowski's, if that compressor is operating, to have social activities, such as having friends to a barbecue, and so on, on their back lawn, which is so much part of the Australian way of life.

I first contacted the Minister of Environment and Planning and the Marion council in about May last year. We still have not got satisfactory results on the matter, because apparently the legislation lacks teeth and the management of the company has acted in total defiance of both those bodies. I find it outrageous that a woman like this whose husband recently had open-heart surgery should be subjected to this noise, particularly since at Christmas part of the compressor failed, so that it makes even more noise than it did before. I have been there, and it goes off with an ear-shattering roar every 90 seconds. If the legislation requires amending to give it further teeth, I ask the Minister to do so as soon as possible and to take action so that this Polish couple living in my area can be relieved of their problem.

Mr SCHMIDT (Mawson): During this grievance debate I want to address myself to a problem that has existed in my district for some time, namely, the condition of Morphett Road at Trott Park. In doing so, I want to refer to a Marion ward councillor, Mr Gary Osman, who last year won great fame for this road by naming it, in a competition, the worst road in South Australia. In his endeavours to highlight this road, Mr Osman used it as a platform to get into and remain in council. Since he has been a councillor, Mr Osman has taken great delight in saying that the whole road issue was due to his initiative. He has campaigned strongly about that road, as I did during the last State election. During that time, I spoke to many residents and indicated that I would do all possible to ensure that that road would be upgraded, giving full recognition to the fact that the road was a local government road and that, therefore, it was under the control of Marion council. Since that time, particularly when I won office, I had many meetings with the Highways Department and the Minister to see what could be done about that road. Of course, in response to my representations to the Minister, letters were also sent to Marion council indicating to it its responsibility as the local authority to do something to upgrade this road.

For the many years residents have tried to have this road upgraded. Indeed, as this council says in the latest edition of the *Guardian*, for about the past six years there have been endeavours to have this road upgraded. For all those years, Marion council hid behind the excuse of the former Minister of Transport (Mr Virgo) who, as we all know, slapped a moratorium on the prospect of a north-south freeway. In so doing, he was jeopardising planning at a State level and, more particularly, at a local government level. Of course, the moratorium had the effect of providing the excuse for local government to say that it could do nothing about the road because it was proposed that at some future time a freeway would be going through that area and, therefore, to ask why it should spend ratepayers' money which all those ratepayers in the 700 houses in the concerned area had contributed for many years. Consequently, nothing was done, and the road got worse and worse, to the extent that it was classified as being the only local version of the Great Dipper at Lunar Park. Residents

rightly complained that they were damaging the front ends of and doing much damage to their vehicles, and it got to the stage where not even the essential services such as the fire brigade or ambulances would use that road to get to an emergency.

Eventually, the ward councillor decided that he would make great play of this road. He called a public meeting, which I must admit 300 residents attended, although a goodly number came from the Hallett Cove area. How they were directly associated with Morphett Road, Trott Park, I do not know, other than that for some time previously I had indicated in the paper that Marion council should stall progress on Lander Road and divert some of those funds into Morphett Road to give it the priority that it required because, as all honourable members would know, at that time councils had to submit projects for road work on a priority basis to the regional organisation, which would therefore give approval to that priority; then, the council would do the work for which it had gained approval. However, Marion council had never given top priority to Morphett Road for its upgrading.

At previous meetings that I had with local residents, the Trott Park community development group, ward councillors and aldermen tried to put some pressure on council to give priority to Morphett Road. However, in the ensuing 12 months, it took no action in that regard at all. Instead, Marion council gave that priority to Lander Road. That is why I asked that it defer that priority, because it was taking the road as far as the back entrance of Trott Park. Instead of continuing it beyond the back entrance to Trott Park, I suggested that it should defer that for a year or two and divert the money to Morphett Road, giving it the priority that it needed.

However, again nothing was done. Hence, I was called to a public meeting. At that public meeting it is interesting to note that I read out letters from the former Minister of Transport (Mr Virgo), stating that Marion council always had the option of upgrading Morphett Road or, if it did not wish to have Morphett Road included, it had the option of moving Morphett Road out of the alignment of the proposed freeway.

While we are on that subject, I would like to give due recognition, where it is required, to our current Minister, who has made a very positive and realistic decision on the whole concept of the north-south corridor. In so doing, local members would know, if they read the local newspapers, that Marion council and the Southern Regional Organisation have given full acclaim to the decision made by the Minister and have also recognised that it is a realistic decision. By making that decision, it has allowed councils now to determine where they shall go, and it is certainly giving a lot more recognition to the needs of the road systems in the south.

At the end of that meeting, surprisingly enough, local residents could very readily grasp the fact that all those years Marion council had not given the recognition that it should have given and, much to the displeasure of the ward councillors, questions were then taken away from me and directed back to the ward councillors to the extent that there was much upset amongst the councillors.

The upshot was that, at the end of that meeting, I was rapidly approached by ward councillors and others and asked to organise a deputation to the Minister to seek ways in which the council could negotiate with the Government to see whether something could be done about Morphett Road. That was the first time in two years that they recognised that the council had responsibility for it.

At a subsequent council meeting, a motion moved by the other ward councillor was that council should recognise the fact that it had abrogated its responsibility for too long and that it should make funds available for the upgrading of Morphett Road. Surprisingly enough, only three persons objected to that motion, one of whom was the ward councillor, Gary Osman, who had gone to the media to make great play out of fighting for the rights of Morphett Road. He opposed the council motion that it should give funds towards the design and development of Morphett Road.

Now he has the audacity, having voted against it in council, to say, 'Look here, folks, I'm your saviour. I went marching down there, and I've given you this road.' I believe in the *News* last week there was a great photograph of him on that road as it is now being done, and local residents will be happy to know that the road will be finished in time for the winter and that they will have access into Trott Park via Morphett Road. Also, at that meeting—

Mr Slater: They've changed the name of—

Mr SCHMIDT: Yes, I will give recognition where recognition should be given; they can do that. Also at that meeting, what became quite apparent to people was that there was much filibustering against me to give answers where people had asked for them. One person asked a question about the intersection of Lonsdale Road and Adams Road, but when I tried to give an answer I was ruled out of order because it was in relation to Morphett Road, yet all others at that meeting could ask questions about any road in that area other than Morphett Road. If I tried to answer, I was not allowed to answer the questions asked.

Mr Trainer: That has nothing to do with the filibustering you were talking about.

Mr SCHMIDT: It has a lot to do with what I was talking about, because Marion council was trying hard to put the pressure back on Morphett Road and would not allow any other digression from that road, if it suited the council. Others at that meeting could ask any question they wished, but I would not be allowed to answer. They got back to Morphett Road, and the deputation I took to the Minister and subsequently to the Highways Department gave an assurance to Marion council that we would assist it in this matter to the tune of 50 per cent of the cost. It says here that the roads will be upgraded at a cost of $320 000 and the residents now have the roads they have been fighting for for so long.

The Hon. M. M. Wilson: We did more than Mr Virgo did.

Mr SCHMIDT: We did much more than Mr Virgo ever tried to do.

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Albert Park.

Mr HAMILTON (Albert Park): I am glad to see that the Minister is in the House, because I want to give him a bit of a Billy Graham. Members will recall that last week in the House I raised the matter of the extension of West Lakes Boulevard.

The Hon. M. M. Wilson: Here we go!

Mr HAMILTON: Yes, we will go, because the Minister has not done his job properly and, to be quite frank, I am rather irate at the Minister's attitude.

The Hon. M. M. Wilson: You always are frank.

Mr HAMILTON: I give credit where credit is due to the Minister, and he has done some good things, I must admit. However, in his reply last week in relation to the extension of West Lakes Boulevard, the Minister said, in part, in answer to my question:

> The Highways Department is discussing it with the relevant authorities, and when a solution is reached the honourable member will be one of the first to be told.

For me, that is just not good enough, because constituents in my area have been informed by their ward councillors that a decision was made last Monday night at the Woodville

Council Chambers that these plans would be published, and as yet they have not been. I think it is an insult to me as a local member that the Highways Department has been having such discussions with the Woodville Council. I have been informed by telephone on many occasions, not by written correspondence, that not only the ward councillors but also many of my constituents are upset (as I am) because they believe that they have the right (and I support them on this issue) to have those plans made available not only to the Woodville council but also to me as the local member. I do not want to see another situation like we had in 1973-74 at the Albert Park church when residents were most irate about the proposed extension of West Lakes Boulevard.

The other question is: what alternatives are there to this proposed route? The Minister would be aware that there were three proposals, as a result of a Highways Department study in 1973-74, involving an extension of West Lakes Boulevard. I am now informed by councillors and constituents that the Highways Department and the Woodville council are considering using the old Hendon rail line spur. If that is the case, I believe that I have the right, as the elected Parliamentary representative for that area, to have those plans made available to me so that I can have discussions with my constituents, because it poses many problems.

There are the problems in relation to Clark Terrace. Will the extension of West Lakes Boulevard go along this Hendon spurline, along Clark Terrace? What portion of the railway land will be taken up? On the western side of Clark Terrace, for that matter, will it affect the local brush company? Will it affect residents' property frontages? Will it affect the local delicatessen there? Where will it come out on Port Road? What problems will be involved, or what solutions will be put forward regarding the Clark Terrace and Morley Road intersection? There is a multiplicity of factors involved in the West Lakes Boulevard extension.

What will happen to those houses owned by the Highways Department and currently occupied by people leasing them from the Government? And what will happen to those people? My constituents are entitled to know. Given the information by the Minister, I will certainly make it my business to disseminate that information to every householder in close proximity to the area affected by these proposals, because, if the Government believes in open government (which it says it does), my constituents and I are entitled to know what will happen. It raises another question—

The Hon. M. M. Wilson: You don't really believe any decision has been taken, do you?

Mr HAMILTON: I am informed reliably by two councillors, one who telephoned me last night and one I spoke to at 3.20 this afternoon. If the Minister will say that that is wrong—that no solution has been reached—

The Hon. M. M. Wilson: I said a decision.

Mr HAMILTON: A decision; well, in the interests of my constituents, let me have the details of the proposals that are available. Surely we are entitled to that information, because I understand—

The Hon. M. M. Wilson: I told you you'd get it.

Mr HAMILTON: The Minister mentioned 'solution', not the alternatives. I believe that my constituents are entitled to know the alternatives available so that they can make public comment, not only to me as the local member but also to the Highways Department, and to the Woodville council for that matter. The Minister knows damn well that those people are entitled to know the alternatives available and to make public comment on them.

Mr Becker: Did Virgo use to do that?

Mr HAMILTON: Yes, he did. I give the member for Hanson credit for having some sense. He will recall that there was a public meeting at Albert Park in 1973 or 1974; I attended that meeting, and the attitude of the Government was changed as a result of that meeting. That does not absolve this Government from its clear responsibility to the people in my electorate to let them know what the alternatives are. I will be pursuing that with a great deal of zest, because the feed-back I have received already since the council meeting on Monday night has been tremendous, to say the least. I certainly will be circulating this speech to constituents in that area.

I am informed by two of the ward councillors that they do not have the information as to what alternatives are available. They have expressed concern to me that the proposals have not been published, as I understand was the position regarding the Woodville council last Monday night. If that is democracy, God help us.

There is another matter I would like to take up concerning the waiting period for drivers' licence tests, involving many residents in the north-western suburbs. This was brought home most forcibly to me last week by a woman who has asked me not to mention her name and who made representations to me on behalf of her 17-year-old son, who had applied to have a test for his driver's licence, which test has subsequently been deferred twice. The last deferral meant that, because her son did not have a licence, he was unable to apply for a job as a storeman and forklift driver at a local factory.

I sought from the Minister information regarding delays for licence tests at Port Adelaide and Lockleys. I also asked what were the minimum and maximum periods at those locations, how many persons on average were tested there each day, and what were the minimum and maximum waiting periods at other licence testing localities. On 2 March, the Minister replied that the average delay period for licence tests at Port Adelaide and Lockleys was approximately seven weeks, and that the waiting period at both locations was between six and eight weeks.

On average, two examiners are employed at each of these branch offices, and each examiner on average conducts 10 tests daily. Twelve appointments daily per examiner are made, but cancellations and non-attendances reduce to 10 the average number of tests conducted. The minimum waiting period at each other testing locality is approximately four weeks, and the maximum is nine weeks. Provision is made to handle tests required urgently where it is considered that the circumstances warrant it.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 5.22 p.m. the House adjourned until Tuesday 23 March at 2 p.m.